
ASSEMBLY BILL NO. 57—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 15, 2010

Referred to Committee on Judiciary

SUMMARY—Makes various changes governing certain criminal offenders. (BDR 14-292)

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

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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 crimes; revising provisions relating to the registration of offenders convicted of a crime against a child and of sex offenders; requiring notification of certain agencies after changes in a sex offender's location or length of stay in a jurisdiction; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a record of registration as an offender (a person
2 convicted of a crime against a child) or as a sex offender must contain certain
3 information identifying the offender or sex offender and also provides that a sex
4 offender must notify certain law enforcement agencies of any address change where
5 he or she resides, is a student or is employed. (NRS 179D.150, 179D.470) **Section**
6 **3** of this bill requires an offender or sex offender who has no fixed residence to
7 provide the address or certain details of the location where the person habitually
8 sleeps to be included in a record of registration. **Section 5** of this bill expands the
9 duty of a sex offender to notify certain law enforcement agencies to include
10 notification after any change in location, temporary shelter or place where the sex
11 offender habitually sleeps, or after staying in a jurisdiction longer than 45 days
12 under certain circumstances.



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

Section 1. NRS 179A.071 is hereby amended to read as follows:

179A.071 "Record of registration" has the meaning ascribed to it in NRS ~~[179D.150.]~~ **179D.070.**

Sec. 2. NRS 179B.090 is hereby amended to read as follows:

179B.090 "Record of registration" ~~[means a record of registration that contains the information required by NRS 179D.150.]~~ **has the meaning ascribed to it in NRS 179D.070.**

Sec. 3. Chapter 179D of NRS is hereby amended by adding thereto a new section to read as follows:

A record of registration must include, if the information is available:

1. Information identifying the offender or sex offender, including, but not limited to:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

(b) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(c) The date of birth and the social security number of the offender or sex offender;

(d) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

(e) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913; and

(f) Any other information that identifies the offender or sex offender.

2. Except as otherwise provided in subsection 3, information concerning the residence of the offender or sex offender, including, but not limited to:

(a) The address at which the offender or sex offender resides;

(b) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

(c) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and



1 (d) *The length of time the offender or sex offender expects to*
2 *remain in the county where the offender or sex offender resides*
3 *and in this State.*

4 3. *If the offender or sex offender has no fixed residence, the*
5 *address of any dwelling that is providing the offender or sex*
6 *offender temporary shelter, or any other location where the*
7 *offender or sex offender habitually sleeps, including, but not*
8 *limited to, the cross streets, intersection, direction and identifiable*
9 *landmarks of the city, county, state and zip code of that location.*

10 4. *Information concerning the offender's or sex offender's*
11 *occupations, employment or work or expected occupations,*
12 *employment or work, including, but not limited to, the name,*
13 *address and type of business of all current and expected future*
14 *employers of the offender or sex offender.*

15 5. *Information concerning the offender's or sex offender's*
16 *volunteer service or expected volunteer service in connection with*
17 *any activity or organization within this State, including, but not*
18 *limited to, the name, address and type of each such activity or*
19 *organization.*

20 6. *Information concerning the offender's or sex offender's*
21 *enrollment or expected enrollment as a student in any public or*
22 *private educational institution or school within this State,*
23 *including, but not limited to, the name, address and type of each*
24 *such educational institution or school.*

25 7. *Information concerning whether:*

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

31 (b) *The offender or sex offender is, expects to be or becomes a*
32 *worker at an institution of higher education or changes the date of*
33 *commencement or termination of the offender or sex offender's*
34 *work at an institution of higher education,*
35 ↳ *including, but not limited to, the name, address and type of*
36 *each such institution of higher education.*

37 8. *The license plate number and a description of all motor*
38 *vehicles registered to or frequently driven by the offender or sex*
39 *offender.*

40 9. *The level of registration and community notification of the*
41 *offender or sex offender.*

42 10. *The criminal history of the offender or sex offender,*
43 *including, without limitation:*

44 (a) *The dates of all arrests and convictions of the offender or*
45 *sex offender;*



(b) *The status of parole, probation or supervised release of the offender or sex offender;*

(c) *The status of the registration of the offender or sex offender; and*

(d) *The existence of any outstanding arrest warrants for the offender or sex offender.*

11. *The following information for each offense for which the offender or sex offender has been convicted:*

(a) *The court in which the offender or sex offender was convicted;*

(b) *The text of the provision of law defining each offense;*

(c) *The name under which the offender or sex offender was convicted;*

(d) *The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;*

(e) *The specific location where the offense was committed;*

(f) *The age, the gender, the race and a general physical description of the victim; and*

(g) *The method of operation that was used to commit the offense, including, but not limited to:*

(1) *Specific sexual acts committed against the victim;*

(2) *The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;*

(3) *The type of injuries inflicted on the victim;*

(4) *The types of instruments, weapons or objects used;*

(5) *The type of property taken; and*

(6) *Any other distinctive characteristic of the behavior or personality of the offender or sex offender.*

12. *Any other information required by federal law.*

Sec. 4. NRS 179D.070 is hereby amended to read as follows:

179D.070 "Record of registration" means a record of registration that contains the information required by ~~NRS 179D.150.~~ *section 3 of this act.*

Sec. 5. NRS 179D.470 is hereby amended to read as follows:

179D.470 1. If a sex offender changes the address *or location* at which he or she resides, *obtains temporary shelter or habitually sleeps*, including moving from this State to another jurisdiction, ~~for~~ changes the primary address at which ~~the sex offender~~ *he or she* is a student or worker ~~or remains in a jurisdiction longer than 45 days after initially reporting a stay of less than 45 days, the sex offender shall~~, not later than 48 hours after ~~changing such an address, the sex offender shall~~ *such a change in status*, provide *notice of the change in status, including,*



1 *without limitation*, the new address ~~§~~ *or location*, in person, to the
2 local law enforcement agency in whose jurisdiction the sex offender
3 now resides , *has temporary shelter or habitually sleeps* and, in
4 person or in writing, to the local law enforcement agency in whose
5 jurisdiction the sex offender formerly resided , *had temporary*
6 *shelter or habitually slept* and shall provide all other information
7 that is relevant to updating the record of registration, including, but
8 not limited to, any change in the sex offender's name, occupation,
9 employment, work, volunteer service or driver's license and any
10 change in the license number or description of a motor vehicle
11 registered to or frequently driven by the sex offender.

12 2. Upon receiving a change of address *or location* from a sex
13 offender, the local law enforcement agency shall immediately
14 forward the new address *or location* and any updated information to
15 the Central Repository and:

16 (a) If the sex offender has changed an address *or location* within
17 this State, the Central Repository shall immediately provide
18 notification concerning the sex offender to the local law
19 enforcement agency in whose jurisdiction the sex offender is now
20 residing , *has temporary shelter or habitually sleeps* or is a student
21 or worker and shall notify the local law enforcement agency in
22 whose jurisdiction the sex offender last resided , *had temporary*
23 *shelter or habitually slept* or was a student or worker; or

24 (b) If the sex offender has changed an address *or location* from
25 this State to another jurisdiction, the Central Repository shall
26 immediately provide notification concerning the sex offender to the
27 appropriate law enforcement agency in the other jurisdiction and
28 shall notify the local law enforcement agency in whose jurisdiction
29 the sex offender last resided or was a student or worker.

30 **Sec. 6.** NRS 391.314 is hereby amended to read as follows:

31 391.314 1. If a superintendent has reason to believe that
32 cause exists for the dismissal of a licensed employee and the
33 superintendent is of the opinion that the immediate suspension of
34 the employee is necessary in the best interests of the pupils in the
35 district, the superintendent may suspend the employee without
36 notice and without a hearing. Notwithstanding the provisions of
37 NRS 391.312, a superintendent may suspend a licensed employee
38 who has been officially charged but not yet convicted of a felony or
39 a crime involving moral turpitude or immorality. If the charge is
40 dismissed or if the employee is found not guilty, the employee must
41 be reinstated with back pay, plus interest, and normal seniority. The
42 superintendent shall notify the employee in writing of the
43 suspension.

44 2. Within 5 days after a suspension becomes effective, the
45 superintendent shall begin proceedings pursuant to the provisions of



1 NRS 391.312 to 391.3196, inclusive, to effect the employee's
2 dismissal. The employee is entitled to continue to receive his or her
3 salary and other benefits after the suspension becomes effective
4 until the date on which the dismissal proceedings are commenced.
5 The superintendent may recommend that an employee who has been
6 charged with a felony or a crime involving immorality be dismissed
7 for another ground set forth in NRS 391.312.

8 3. If sufficient grounds for dismissal do not exist, the employee
9 must be reinstated with full compensation, plus interest.

10 4. A licensed employee who furnishes to the school district a
11 bond or other security which is acceptable to the board as a
12 guarantee that the employee will repay any amounts paid to him or
13 her pursuant to this subsection as salary during a period of
14 suspension is entitled to continue to receive his or her salary from
15 the date on which the dismissal proceedings are commenced until
16 the decision of the board or the report of the hearing officer, if the
17 report is final and binding. The board shall not unreasonably refuse
18 to accept security other than a bond. An employee who receives
19 salary pursuant to this subsection shall repay it if the employee is
20 dismissed or not reemployed as a result of a decision of the board or
21 a report of a hearing officer.

22 5. A licensed employee who is convicted of a crime which
23 requires registration pursuant to NRS 179D.010 to 179D.550,
24 inclusive, *and section 3 of this act*, or is convicted of an act
25 forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or
26 207.260 forfeits all rights of employment from the date of his or her
27 arrest.

28 6. A licensed employee who is convicted of any crime and who
29 is sentenced to and serves any sentence of imprisonment forfeits all
30 rights of employment from the date of his or her arrest or the date on
31 which his or her employment terminated, whichever is later.

32 7. A licensed employee who is charged with a felony or a
33 crime involving immorality or moral turpitude and who waives his
34 or her right to a speedy trial while suspended may receive no more
35 than 12 months of back pay and seniority upon reinstatement if the
36 employee is found not guilty or the charges are dismissed, unless
37 proceedings have been begun to dismiss the employee upon one of
38 the other grounds set forth in NRS 391.312.

39 8. A superintendent may discipline a licensed employee by
40 suspending the employee with loss of pay at any time after a hearing
41 has been held which affords the due process provided for in this
42 chapter. The grounds for suspension are the same as the grounds
43 contained in NRS 391.312. An employee may be suspended more
44 than once during the employee's contract year, but the total number
45 of days of suspension may not exceed 20 in 1 contract year. Unless



- 1 circumstances require otherwise, the suspensions must be
- 2 progressively longer.
- 3 **Sec. 7.** NRS 179D.150 is hereby repealed.
- 4 **Sec. 8.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

179D.150 Contents. A record of registration must include, if the information is available:

1. Information identifying the offender or sex offender, including, but not limited to:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

(b) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(c) The date of birth and the social security number of the offender or sex offender;

(d) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

(e) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913; and

(f) Any other information that identifies the offender or sex offender.

2. Information concerning the residence of the offender or sex offender, including, but not limited to:

(a) The address at which the offender or sex offender resides;

(b) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

(c) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

(d) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

3. Information concerning the offender's or sex offender's occupations, employment or work or expected occupations,



employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

4. Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender or 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 the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or 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 the offender or sex offender's work at an institution of higher education,

➤ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

8. The level of registration and community notification of the offender or sex offender.

9. The criminal history of the offender or sex offender, including, without limitation:

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender or sex offender has been convicted:

(a) The court in which the offender or sex offender was convicted;

(b) The text of the provision of law defining each offense;



(c) The name under which the offender or sex offender was convicted;

(d) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

(e) The specific location where the offense was committed;

(f) The age, the gender, the race and a general physical description of the victim; and

(g) The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

11. Any other information required by federal law.

