

Amendment No. 358

Assembly Amendment to Assembly Bill No. 57

(BDR 14-292)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No 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 underlining* is newly added transitory language.

NCA/BAW



Date: 4/20/2011

A.B. No. 57—Makes various changes governing certain criminal offenders.

(BDR 14-292)



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; adding a member to the Advisory Committee to Study Laws Concerning Sex Offender Registration; 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:

Existing law provides that a record of registration as an offender (a person convicted of a crime against a child) or as a sex offender must contain certain information identifying the offender or sex offender and also provides that a sex offender must notify certain law enforcement agencies of any address change where he or she resides, is a student or is employed. (NRS 179D.150, 179D.470) **Section 3** of this bill requires an offender or sex offender who has no fixed residence to provide the address or certain details of the location where the person habitually sleeps to be included in a record of registration.

Section 5 of this bill expands the duty of a sex offender to notify certain law enforcement agencies ~~to include notification after any change in location, temporary shelter or place where the sex offender habitually sleeps, or~~ after staying in a jurisdiction longer than ~~[45]~~ 30 days under certain circumstances. **Section 5 also requires a sex offender who has no fixed address to notify law enforcement at least every 30 days if there are any changes in the sex offender's temporary shelter or place where the sex offender habitually sleeps.**

Section 4.3 of this bill adds a member who is a mental health professional to the Advisory Committee to Study Laws Concerning Sex Offender Registration.

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

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

4. 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.

5. 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.

6. 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.

7. 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.

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

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

10. 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.

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. 4.3. NRS 179D.132 is hereby amended to read as follows:

179D.132 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 the Attorney General's 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) One member who is a mental health professional, appointed by the Attorney General; and

(i) Any member appointed by an organization that has been authorized by the Attorney General to appoint a member of the Committee pursuant to NRS 179D.134.

3. The Attorney General or the Attorney General's designee is the Chair 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 NRS 179D.134:

(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 Chair.

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, the Legislator 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 218A.655.

➤ 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 or her duties without

1 loss of regular compensation so that he or she may prepare for and attend meetings
2 of the Committee and perform any work necessary to carry out the duties of the
3 Committee in the most timely manner practicable. A state agency or political
4 subdivision of this State shall not require an officer or employee who is a member
5 of the Committee to:

6 (a) Make up the time the member is absent from work to carry out his or her
7 duties as a member of the Committee; or

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

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

11 **Sec. 4.7. NRS 179D.134 is hereby amended to read as follows:**

12 179D.134 1. An organization which is concerned with state and federal laws
13 concerning the registration of sex offenders and which wishes to appoint a member
14 to the Committee pursuant to paragraph ~~[(4)]~~ (i) of subsection 2 of NRS 179D.132
15 may apply to the Attorney General, or the Attorney General's designee, for
16 authorization to appoint a member to the Committee. At the Attorney General's
17 discretion, the Attorney General may authorize the organization to appoint a
18 member to the Committee.

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

22 3. If, after receiving authorization to appoint a member to the Committee, an
23 organization ceases to exist or has its authorization to appoint a member to the
24 Committee revoked by the Attorney General, any member of the Committee
25 appointed by the organization may complete the term to which the member was
26 appointed, and upon the completion of that term, the organization, or a successor
27 organization, may not appoint a member to the Committee.

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

29 179D.470 1. If a sex offender changes the address ~~[for location]~~ at which he
30 or she resides, ~~[obtains temporary shelter or habitually sleeps]~~ including moving
31 from this State to another jurisdiction, ~~[or]~~ changes the primary address at which
32 ~~[the sex offender]~~ **he or she** is a student or worker ~~[or remains in a jurisdiction~~
33 **longer than ~~[(45)] 30 days after initially reporting a stay of less than ~~[(45)] 30 days,~~~~**
34 **the sex offender shall,** not later than 48 hours after ~~[changing such an address, the~~
35 **sex offender shall]** **such a change in status,** provide **notice of the change in status,**
36 **including, without limitation,** the new address ~~[for location]~~ in person, to the
37 local law enforcement agency in whose jurisdiction the sex offender now resides ~~[~~
38 ~~has temporary shelter or habitually sleeps]~~ and, in person or in writing, to the local
39 law enforcement agency in whose jurisdiction the sex offender formerly resided ~~[~~
40 ~~had temporary shelter or habitually slept]~~ and shall provide all other information
41 that is relevant to updating the record of registration, including, but not limited to,
42 any change in the sex offender's name, occupation, employment, work, volunteer
43 service or driver's license and any change in the license number or description of a
44 motor vehicle registered to or frequently driven by the sex offender.

45 2. Upon receiving a change of address ~~[for location]~~ from a sex offender, the
46 local law enforcement agency shall immediately forward the new address ~~[for~~
47 ~~location]~~ and any updated information to the Central Repository and:

48 (a) If the sex offender has changed an address ~~[for location]~~ within this State,
49 the Central Repository shall immediately provide notification concerning the sex
50 offender to the local law enforcement agency in whose jurisdiction the sex offender
51 is now residing ~~[, has temporary shelter or habitually sleeps]~~ or is a student or
52 worker and shall notify the local law enforcement agency in whose jurisdiction the

1 sex offender last resided ~~[, had temporary shelter or habitually slept]~~ or was a
2 student or worker; or

3 (b) If the sex offender has changed an address ~~[for location]~~ from this State to
4 another jurisdiction, the Central Repository shall immediately provide notification
5 concerning the sex offender to the appropriate law enforcement agency in the other
6 jurisdiction and shall notify the local law enforcement agency in whose jurisdiction
7 the sex offender last resided or was a student or worker.

8 3. In addition to any other requirement pursuant to this section and upon
9 notification of the requirements of this subsection, any sex offender who has no
10 fixed residence shall at least every 30 days notify the local law enforcement
11 agency in whose jurisdiction the sex offender resides if there are any changes in
12 the address of any dwelling that is providing the sex offender temporary shelter
13 or any changes in location where the sex offender habitually sleeps. The court
14 may dismiss any criminal charges filed for failure to comply with this subsection
15 if the sex offender immediately updates his or her record of registration.

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

17 391.314 1. If a superintendent has reason to believe that cause exists for the
18 dismissal of a licensed employee and the superintendent is of the opinion that the
19 immediate suspension of the employee is necessary in the best interests of the
20 pupils in the district, the superintendent may suspend the employee without notice
21 and without a hearing. Notwithstanding the provisions of NRS 391.312, a
22 superintendent may suspend a licensed employee who has been officially charged
23 but not yet convicted of a felony or a crime involving moral turpitude or
24 immorality. If the charge is dismissed or if the employee is found not guilty, the
25 employee must be reinstated with back pay, plus interest, and normal seniority. The
26 superintendent shall notify the employee in writing of the suspension.

27 2. Within 5 days after a suspension becomes effective, the superintendent
28 shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196,
29 inclusive, to effect the employee's dismissal. The employee is entitled to continue
30 to receive his or her salary and other benefits after the suspension becomes
31 effective until the date on which the dismissal proceedings are commenced. The
32 superintendent may recommend that an employee who has been charged with a
33 felony or a crime involving immorality be dismissed for another ground set forth in
34 NRS 391.312.

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

37 4. A licensed employee who furnishes to the school district a bond or other
38 security which is acceptable to the board as a guarantee that the employee will
39 repay any amounts paid to him or her pursuant to this subsection as salary during a
40 period of suspension is entitled to continue to receive his or her salary from the date
41 on which the dismissal proceedings are commenced until the decision of the board
42 or the report of the hearing officer, if the report is final and binding. The board shall
43 not unreasonably refuse to accept security other than a bond. An employee who
44 receives salary pursuant to this subsection shall repay it if the employee is
45 dismissed or not reemployed as a result of a decision of the board or a report of a
46 hearing officer.

47 5. A licensed employee who is convicted of a crime which requires
48 registration pursuant to NRS 179D.010 to 179D.550, inclusive, *and section 3 of*
49 *this act*, or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265,
50 201.540, 201.560 or 207.260 forfeits all rights of employment from the date of his
51 or her arrest.

52 6. A licensed employee who is convicted of any crime and who is sentenced
53 to and serves any sentence of imprisonment forfeits all rights of employment from

1 the date of his or her arrest or the date on which his or her employment terminated,
2 whichever is later.

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

9 8. A superintendent may discipline a licensed employee by suspending the
10 employee with loss of pay at any time after a hearing has been held which affords
11 the due process provided for in this chapter. The grounds for suspension are the
12 same as the grounds contained in NRS 391.312. An employee may be suspended
13 more than once during the employee's contract year, but the total number of days of
14 suspension may not exceed 20 in 1 contract year. Unless circumstances require
15 otherwise, the suspensions must be progressively longer.

16 **Sec. 7.** NRS 179D.150 is hereby repealed.

17 **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.