

ASSEMBLY BILL NO. 197—ASSEMBLYMEN HAMBRICK; AIZLEY,
PAUL ANDERSON, ELLISON, GRADY, HARDY, LIVERMORE,
OSCARSON AND WHEELER

MARCH 4, 2013

JOINT SPONSOR: SENATOR GUSTAVSON

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing sex
offenders. (BDR 5-583)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to juvenile delinquents; revising the manner in
which certain children who are adjudicated delinquent for
certain acts are required to register as a juvenile sex
offender; requiring the Attorney General to establish
guidelines and procedures for community notification
concerning juvenile sex offenders; revising which
juvenile sex offenders may be subject to registration and
community notification in the manner provided for adult
sex offenders; requiring the juvenile court to retain
jurisdiction over all children who are subject to
registration and community notification as sex offenders
and to determine when such children may be relieved of
such requirements; providing a penalty; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law provides that a child who is 14 years of age or older and who is
- 2 adjudicated delinquent for committing an act that would be a sexual offense if
- 3 committed by an adult is required to register as a sex offender in the same manner
- 4 as an adult and is subject to community notification. (NRS 62F.220) In addition,
- 5 existing law prohibits sealing records relating to a child while the child is subject to



* A B 1 9 7 *

6 registration and community notification as a juvenile sex offender. (NRS 62F.260)
7 **Section 23** of this bill repeals those provisions and, instead, this bill creates a new
8 manner for determining when a child who is adjudicated delinquent for committing
9 an act that would be a sexual offense if committed by an adult is required to comply
10 with the requirements for registration and community notification established
11 within the juvenile justice system and when such a child is required to comply with
12 the requirements for registration and community notification applicable to adult sex
13 offenders.

14 **Section 7** of this bill provides that a child who is adjudicated delinquent for
15 committing an act that makes the child subject to registration and community
16 notification as a juvenile sex offender is not subject to the provisions applicable to
17 juvenile sex offenders if the child is required to comply with the provisions
18 governing registration and community notification for adult sex offenders.

19 **Section 8** of this bill requires the juvenile court to notify the Attorney General
20 when a child is adjudicated delinquent for: (1) an unlawful act that would have
21 been a sexual offense if committed by an adult; or (2) a sexually motivated act, so
22 that an assessment may be conducted of the risk of recidivism of the child. **Section**
23 **8** further requires the child to remain under the supervision of a probation or parole
24 officer for at least 3 years and requires the child or a parent or guardian of the child
25 to inform the officer assigned to the child within 48 hours if the child changes his
26 or her residence. **Section 8** also requires certain information about registration and
27 community notification to be provided to the child and the parent or guardian of the
28 child and provides that the juvenile court will retain jurisdiction over the child until
29 the child is no longer subject to community notification as a juvenile sex offender.

30 **Section 9** of this bill requires notification to be provided to a law enforcement
31 agency when a child is subject to community notification as a juvenile sex offender
32 and when such a child changes his or her residence. **Section 10** of this bill allows a
33 juvenile court to hold a hearing at any appropriate time to determine whether to
34 relieve a child who has been adjudicated delinquent for a sexual offense or a
35 sexually motivated act from community notification as a juvenile sex offender.
36 **Section 11** of this bill authorizes the juvenile court to relieve a child from the
37 requirement for community notification when the child reaches 21 years of age if
38 the child has not yet been so relieved. If the juvenile court determines that the child
39 has not been rehabilitated or poses a threat to the safety of others, the juvenile court
40 may instead deem the child an adult sex offender subject to registration and
41 community notification in the manner provided for adult sex offenders. **Section 12**
42 of this bill provides that the records of a juvenile sex offender are not to be sealed
43 while the child is subject to community notification.

44 **Section 13** of this bill requires the Attorney General to establish guidelines and
45 procedures for registration and community notification concerning those juvenile
46 sex offenders who are not subject to community notification in the manner
47 provided for adult sex offenders.

48 **Section 14** of this bill allows a district attorney to request that the juvenile court
49 conduct a separate hearing to determine whether a child who is at least 14 years of
50 age and who is adjudicated delinquent for committing certain acts that would be a
51 sexual offense if committed by an adult to determine whether the child is a violent
52 or repetitive juvenile sex offender. To bring such a request, the district attorney
53 must comply with certain notice requirements and provide by clear and convincing
54 evidence that the child committed the underlying act and that the act was
55 committed in a certain manner or that the child had previously been adjudicated
56 delinquent for committing one or more of certain offenses. If a child is adjudicated
57 as a violent or repetitive juvenile sex offender, **section 14** provides that the child
58 will be subject to registration and community notification in the manner provided
59 for adult sex offenders, except that the juvenile court may determine whether to



include the child on the community notification website of the Central Repository for Nevada Records of Criminal History.

Section 15 of this bill provides the manner in which a child who is deemed an adult sex offender and a child who is adjudicated as a violent or repetitive juvenile sex offender may petition to be relieved of the duty to comply with the requirements for registration and community notification. **Sections 11 and 14** require the juvenile court to retain jurisdiction over such a child until he or she is relieved from the requirements for registration and community notification. **Section 15** requires the petition to be filed with the juvenile court, and the juvenile court may only grant the petition if the petitioner proves by clear and convincing evidence that the petitioner has been rehabilitated and is not likely to pose a threat to the safety of others.

Sections 18-20 of this bill revise the existing definitions of “convicted,” “offender convicted of a crime against a child” and “sex offender” to limit the children who are included within those definitions to children who are deemed adult sex offenders pursuant to **section 11** and children who are adjudicated as violent or repetitive juvenile sex offenders pursuant to **section 14** because those are the only children who may be required under this bill to comply with the requirements for registration and community notification that are applicable to adult sex offenders. **Section 21** of this bill revises provisions relating to the requirements for registration of sex offenders to include children who are deemed adult sex offenders and children who are adjudicated as violent or repetitive juvenile sex offenders. **Section 22** of this bill removes those children from provisions relating to reducing the period during which an offender must register because, pursuant to **section 15**, those children are required to apply to the juvenile court to be relieved from such requirements.

Section 24 of this bill applies the provisions of this bill retroactively to any child adjudicated delinquent before, on or after the effective date of this bill so that this bill rather than existing law would govern the registration and community notification of juvenile sex offenders. However, under **section 24**, the provisions of **section 14** relating to violent or repetitive juvenile sex offenders will apply prospectively to a child adjudicated delinquent on or after October 1, 2013, because **section 14** requires notice of the intent to seek designation of a child as a violent or repetitive juvenile sex offender to be provided by the district attorney before the child is adjudicated delinquent and, thus, **section 14** cannot be applied retroactively to juveniles adjudicated delinquent before this bill becomes effective.

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

Section 1. NRS 62A.030 is hereby amended to read as follows:

62A.030 1. “Child” means:

(a) A person who is less than 18 years of age;

(b) A person who is less than 21 years of age and subject to the jurisdiction of the juvenile court for an unlawful act that was committed before the person reached 18 years of age; or

(c) A person who is otherwise subject to the jurisdiction of the juvenile court as a juvenile sex offender pursuant to the provisions

of ~~NRS 62F.200, 62F.220 and 62F.260.~~ *sections 4 to 15, inclusive, of this act.*



2. The term does not include:

(a) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330;

(b) A person who is transferred to the district court for criminal proceedings as an adult pursuant to NRS 62B.335; or

(c) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

Sec. 2. NRS 62B.410 is hereby amended to read as follows:

62B.410 Except as otherwise provided in NRS 62F.110 and ~~62F.220,~~ *sections 8, 11 and 14 of this act*, if a child is subject to the jurisdiction of the juvenile court, the juvenile court:

1. May terminate its jurisdiction concerning the child at any time, either on its own volition or for good cause shown; or

2. May retain jurisdiction over the child until the child reaches 21 years of age.

Sec. 3. Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 15, inclusive, of this act.

Sec. 4. *As used in sections 4 to 15, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 5. *“Community notification” means notification of a community pursuant to the guidelines and procedures established by the Attorney General for juvenile sex offenders pursuant to section 13 of this act or notification of a community pursuant to NRS 179D.475, as applicable.*

Sec. 6. *“Sexual offense” means:*

1. *Sexual assault pursuant to NRS 200.366;*

2. *Battery with intent to commit sexual assault pursuant to NRS 200.400;*

3. *An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720;*

4. *Lewdness with a child pursuant to NRS 201.230; or*

5. *An attempt to commit an offense listed in this section.*

Sec. 7. *Except as otherwise provided in subsection 2 of section 12 and section 14 of this act, the provisions of sections 8 to 13, inclusive, of this act do not apply to:*

1. *A child who is deemed an adult sex offender pursuant to section 11 of this act; or*

2. *A child who is adjudicated as a violent or repetitive juvenile sex offender pursuant to section 14 of this act.*

Sec. 8. 1. *In addition to any other action authorized or required pursuant to the provisions of this title, if a child is adjudicated delinquent for an unlawful act that would have been a*



1 *sexual offense if committed by an adult or is adjudicated*
2 *delinquent for a sexually motivated act, the juvenile court shall:*

3 *(a) Notify the Attorney General of the adjudication so that the*
4 *Attorney General may arrange for the assessment of the risk of*
5 *recidivism of the child pursuant to the guidelines and procedures*
6 *for community notification established pursuant to section 13 of*
7 *this act;*

8 *(b) Place the child under the supervision of a probation officer*
9 *or parole officer, as appropriate, for a period of not less than 3*
10 *years;*

11 *(c) Inform the child and the parent or guardian of the child*
12 *that the child is subject to community notification as a juvenile sex*
13 *offender and may be subject to registration and community*
14 *notification pursuant to NRS 179D.010 to 179D.550, inclusive, if*
15 *the child is deemed an adult sex offender pursuant to section 11 of*
16 *this act; and*

17 *(d) Order the child, and the parent or guardian of the child*
18 *during the minority of the child, while the child is subject to*
19 *community notification as a juvenile sex offender, to inform the*
20 *probation officer or parole officer, as appropriate, assigned to the*
21 *child of a change of the address at which the child resides not*
22 *later than 48 hours after the change of address.*

23 *2. The juvenile court may not terminate its jurisdiction over*
24 *the child for the purposes of carrying out the provisions of*
25 *sections 8 to 13, inclusive, of this act until the child is no longer*
26 *subject to community notification as a juvenile sex offender*
27 *pursuant to sections 8 to 13, inclusive, of this act.*

28 **Sec. 9. 1.** *If a child has been adjudicated for a sexual*
29 *offense or a sexually motivated act, the probation officer or parole*
30 *officer, as appropriate, assigned to the child shall notify the local*
31 *law enforcement agency in whose jurisdiction the child resides*
32 *that the child:*

33 *(a) Has been adjudicated delinquent for a sexual offense or a*
34 *sexually motivated act; and*

35 *(b) Is subject to community notification as a juvenile sex*
36 *offender.*

37 *2. If the probation officer or parole officer, as appropriate,*
38 *assigned to the child is informed by the child or the parent or*
39 *guardian of the child that the child has changed the address at*
40 *which the child resides or if the probation officer or parole officer*
41 *otherwise becomes aware of such a change, the probation officer*
42 *or parole officer shall notify:*

43 *(a) The local law enforcement agency in whose jurisdiction the*
44 *child last resided that the child has moved; and*



(b) *The local law enforcement agency in whose jurisdiction the child is now residing that the child:*

(1) *Has been adjudicated delinquent for a sexual offense or a sexually motivated act; and*

(2) *Is subject to community notification as a juvenile sex offender.*

Sec. 10. 1. *If a child who has been adjudicated delinquent for a sexual offense or a sexually motivated act has not previously been relieved of being subject to community notification as a juvenile sex offender, the juvenile court may, at any appropriate time, hold a hearing to determine whether the child should be relieved of being subject to community notification as a juvenile sex offender.*

2. *If the juvenile court determines at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court may relieve the child of being subject to community notification as a juvenile sex offender.*

Sec. 11. *Except as otherwise provided in sections 8 to 13, inclusive, of this act:*

1. *If a child who has been adjudicated delinquent for a sexual offense or a sexually motivated act is not relieved of being subject to community notification as a juvenile sex offender before the child reaches 21 years of age, the juvenile court shall hold a hearing when the child reaches 21 years of age to determine whether the child should be deemed an adult sex offender for the purposes of registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

2. *If the juvenile court determines at the hearing that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others, the juvenile court shall relieve the child of being subject to community notification as a juvenile offender.*

3. *If the juvenile court determines at the hearing that the child has not been rehabilitated to the satisfaction of the juvenile court or that the child is likely to pose a threat to the safety of others, the juvenile court shall deem the child an adult sex offender who is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

4. *In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:*

(a) *The number, date, nature and gravity of the act or acts committed by the child, including:*



1 (1) Whether the act or acts were characterized by repetitive
2 and compulsive behavior; and

3 (2) Whether the act or acts involved the use of a weapon,
4 violence or infliction of serious bodily injury.

5 (b) The extent to which the child has received counseling,
6 therapy or treatment, and the response of the child to any such
7 counseling, therapy or treatment.

8 (c) Whether psychological or psychiatric profiles indicate a
9 risk of recidivism.

10 (d) The behavior of the child while subject to the jurisdiction
11 of the juvenile court, including, without limitation, the behavior of
12 the child during any period of confinement.

13 (e) Whether the child has made any recent threats against a
14 person or expressed any intent to commit any crimes in the future.

15 (f) Any physical conditions that minimize the risk of
16 recidivism, including, without limitation, physical disability or
17 illness.

18 (g) Any other factor that the juvenile court finds relevant to
19 the determination of whether the child has been rehabilitated to
20 the satisfaction of the juvenile court and whether the child is likely
21 to pose a threat to the safety of others.

22 5. If a child is deemed an adult sex offender pursuant to this
23 section, the juvenile court shall notify the Central Repository so
24 that the Central Repository may carry out the provisions for
25 registration of the child as an adult sex offender pursuant to
26 NRS 179D.450.

27 6. The juvenile court may not terminate its jurisdiction over a
28 child who is deemed an adult sex offender pursuant to this section
29 until the child is relieved from the requirements for registration
30 and community notification as an adult sex offender pursuant to
31 section 15 of this act.

32 **Sec. 12.** 1. The records relating to a child must not be
33 sealed pursuant to the provisions of NRS 62H.100 to 62H.170,
34 inclusive, while the child is subject to community notification as a
35 juvenile sex offender.

36 2. If a child is deemed an adult sex offender pursuant to
37 section 11 of this act or is adjudicated as a violent or repetitive
38 juvenile sex offender pursuant to section 14 of this act:

39 (a) The records relating to the child must not be sealed
40 pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive;
41 and

42 (b) Each delinquent act committed by the child that would
43 have been a sexual offense as defined in NRS 179D.097 if
44 committed by an adult shall be deemed to be a criminal conviction
45 for the purposes of:



1 *(1) Registration and community notification pursuant to*
2 *NRS 179D.010 to 179D.550, inclusive; and*

3 *(2) The statewide registry established within the Central*
4 *Repository pursuant to chapter 179B of NRS.*

5 **Sec. 13.** 1. *The Attorney General shall establish guidelines*
6 *and procedures for community notification concerning juvenile*
7 *sex offenders who are subject to the provisions of sections 8 to 13,*
8 *inclusive, of this act.*

9 2. *Upon receiving notification from a probation officer or*
10 *parole officer, as appropriate, assigned to a juvenile sex offender,*
11 *the local law enforcement agency receiving the notification shall*
12 *disclose information regarding the juvenile sex offender to the*
13 *appropriate persons pursuant to the guidelines and procedures*
14 *established by the Attorney General pursuant to this section.*

15 3. *Each person who conducts an assessment of the risk of*
16 *recidivism of a juvenile sex offender must be given access to all*
17 *records of the juvenile sex offender that are necessary to conduct*
18 *the assessment, including, but not limited to, records compiled*
19 *pursuant to this title, and the juvenile sex offender shall be*
20 *deemed to have waived all rights of confidentiality and all*
21 *privileges relating to those records for the limited purpose of the*
22 *assessment.*

23 **Sec. 14.** 1. *The district attorney may request the juvenile*
24 *court to conduct a separate hearing to determine whether a child*
25 *is a violent or repetitive juvenile sex offender, but only if the child*
26 *is at least 14 years of age and the child is adjudicated delinquent*
27 *for:*

28 *(a) Sexual assault pursuant to NRS 200.366;*

29 *(b) Battery with intent to commit sexual assault pursuant to*
30 *NRS 200.400; or*

31 *(c) An attempt or conspiracy to commit an offense listed in*
32 *paragraph (a) or (b).*

33 2. *If the district attorney intends to make a request for a*
34 *separate hearing pursuant to subsection 1, the district attorney*
35 *must provide written notice to the child and the parent or guardian*
36 *of the child before the juvenile court accepts an admission of guilt*
37 *from the child or before the child has been adjudicated delinquent.*
38 *The written notice may be provided in a document served upon the*
39 *child or the attorney of the child or may be provided by reference*
40 *to the provisions of this section in the charging document. If the*
41 *written notice is provided in a separate document, a copy of the*
42 *written notice and proof of service must be filed with the juvenile*
43 *court. The written notice must:*

44 *(a) Inform the child that if the child is adjudicated delinquent*
45 *for committing an offense listed in subsection 1, a separate*



1 *hearing may be requested to determine whether the child is a*
2 *violent or repetitive juvenile sex offender; and*

3 *(b) Cite to this section as the authority for the request.*

4 *3. If proper notice has been provided pursuant to subsection*
5 *2, the juvenile court must conduct a separate hearing to determine*
6 *whether the child is a violent or repetitive juvenile sex offender*
7 *upon request of the district attorney. The juvenile court may*
8 *adjudicate a child as a violent or repetitive juvenile sex offender*
9 *only if the prosecuting attorney proves to the juvenile court by*
10 *clear and convincing evidence that the child committed an offense*
11 *listed in subsection 1 and that:*

12 *(a) The offense committed by the juvenile sex offender*
13 *involved the use of force or a threat of serious violence upon the*
14 *victim;*

15 *(b) The juvenile sex offender caused substantial bodily harm*
16 *to the victim;*

17 *(c) The offense committed by the juvenile sex offender*
18 *involved rendering the victim unconscious or administering a drug*
19 *to the victim without the consent of the victim; or*

20 *(d) The juvenile sex offender, at the time of the offense,*
21 *previously had been adjudicated delinquent for committing any of*
22 *the following:*

23 *(1) Sexual assault pursuant to NRS 200.366;*

24 *(2) Battery with intent to commit sexual assault pursuant to*
25 *NRS 200.400;*

26 *(3) An offense involving the administration of a drug to*
27 *another person with the intent to enable or assist the commission*
28 *of a felony pursuant to NRS 200.405, if the felony is listed in*
29 *subparagraphs (1) to (14), inclusive;*

30 *(4) An offense involving the administration of a controlled*
31 *substance to another person with the intent to enable or assist the*
32 *commission of a crime of violence pursuant to NRS 200.408, if the*
33 *crime of violence is listed in subparagraphs (1) to (14), inclusive;*

34 *(5) Abuse of a child pursuant to NRS 200.508, if the abuse*
35 *involved sexual abuse or sexual exploitation;*

36 *(6) An offense involving pornography and a minor*
37 *pursuant to NRS 200.710 or 200.720;*

38 *(7) Incest pursuant to NRS 201.180;*

39 *(8) Solicitation of a minor to engage in acts constituting the*
40 *infamous crime against nature pursuant to NRS 201.195;*

41 *(9) Open or gross lewdness pursuant to NRS 201.210, if*
42 *punishable as a felony;*

43 *(10) Indecent or obscene exposure pursuant to NRS*
44 *201.220, if punishable as a felony;*

45 *(11) Lewdness with a child pursuant to NRS 201.230;*



1 (12) *Sexual penetration of a dead human body pursuant to*
2 *NRS 201.450;*

3 (13) *Luring a child or a person with mental illness*
4 *pursuant to NRS 201.560, if punishable as a felony;*

5 (14) *An attempt or conspiracy to commit any of the offenses*
6 *listed in subparagraphs (1) to (13), inclusive;*

7 (15) *An offense that is determined to be sexually motivated*
8 *pursuant to NRS 62F.010; or*

9 (16) *An offense committed in any other jurisdiction that, if*
10 *committed in this State, would be an offense listed in this*
11 *paragraph.*

12 4. *When it deems appropriate, the juvenile court may*
13 *consider evidence regarding whether a juvenile sex offender poses*
14 *a threat to the safety of others and the level of risk of recidivism in*
15 *determining whether to adjudicate the juvenile sex offender as a*
16 *violent or repetitive juvenile sex offender.*

17 5. *A child who has been adjudicated as a violent or repetitive*
18 *juvenile sex offender is subject to registration and community*
19 *notification set forth in NRS 179D.010 to 179D.550, inclusive, and*
20 *the juvenile court shall notify the Central Repository so the*
21 *Central Repository may carry out the provisions for registration of*
22 *the child as a sex offender pursuant to NRS 179D.450.*

23 6. *For the purposes of NRS 62D.030, a separate hearing*
24 *conducted pursuant to this section is part of the proceedings to*
25 *which a child is entitled to be represented by an attorney.*

26 7. *A juvenile court that adjudicates a child as a violent or*
27 *repetitive juvenile sex offender may determine whether to exempt*
28 *the juvenile sex offender from inclusion in the community*
29 *notification website. If the juvenile court provides such an*
30 *exemption, the juvenile court must notify the Director of the*
31 *Department of Public Safety who shall ensure that information*
32 *concerning the juvenile sex offender is excluded from the*
33 *community notification website.*

34 8. *A child who has been adjudicated as a violent or repetitive*
35 *juvenile sex offender remains subject to the requirement for*
36 *supervision set forth in paragraph (b) of subsection 1 of section 8*
37 *of this act.*

38 9. *The juvenile court may not terminate its jurisdiction over a*
39 *child who has been adjudicated as a violent or repetitive juvenile*
40 *sex offender until the child is relieved of the requirements for*
41 *registration and community notification as a sex offender*
42 *pursuant to section 15 of this act.*

43 10. *As used in this section, "community notification website"*
44 *has the meaning ascribed to it in NRS 179B.023.*



1 **Sec. 15. 1.** *A child who has been deemed an adult sex*
2 *offender pursuant to section 11 of this act or who has been*
3 *adjudicated as a violent or repetitive juvenile sex offender*
4 *pursuant to section 14 of this act and who is required to comply*
5 *with registration and community notification in the manner set*
6 *forth in NRS 179D.010 to 179D.550, inclusive, may petition the*
7 *juvenile court to be relieved of such registration and community*
8 *notification:*

9 *(a) At any time after registering as a sex offender if the child*
10 *has been deemed an adult sex offender pursuant to section 11 of*
11 *this act; or*

12 *(b) Not sooner than 3 years after registering as a sex offender*
13 *if the child was adjudicated as a violent or repetitive juvenile sex*
14 *offender pursuant to section 14 of this act.*

15 **2.** *A juvenile court shall not grant a petition pursuant to*
16 *subsection 1 unless the petitioner proves to the juvenile court by*
17 *clear and convincing evidence that the petitioner has been*
18 *rehabilitated and is not likely to pose a threat to the safety of*
19 *others.*

20 **3.** *In determining whether to grant the petition, the juvenile*
21 *court shall consider the following factors:*

22 *(a) The number, date, nature and gravity of the act or acts*
23 *committed by the petitioner, including, without limitation:*

24 *(1) Whether the act or acts were characterized by repetitive*
25 *and compulsive behavior; and*

26 *(2) Whether the act or acts involved the use of a weapon,*
27 *violence or infliction of serious bodily injury.*

28 *(b) The extent to which the petitioner has received counseling,*
29 *therapy or treatment, and the response of the petitioner to any*
30 *such counseling, therapy or treatment.*

31 *(c) Whether psychological or psychiatric profiles indicate a*
32 *risk of recidivism.*

33 *(d) The behavior of the petitioner while subject to the*
34 *jurisdiction of the juvenile court, including, without limitation, the*
35 *behavior of the petitioner during any period of confinement.*

36 *(e) Whether the petitioner has made any recent threats against*
37 *a person or expressed any intent to commit any crimes in the*
38 *future.*

39 *(f) Any physical conditions that minimize the risk of*
40 *recidivism, including, without limitation, physical disability or*
41 *illness.*

42 *(g) Any other factor that the juvenile court finds relevant to*
43 *the determination of whether the petitioner has been rehabilitated*
44 *to the satisfaction of the juvenile court and whether the petitioner*
45 *is likely to pose a threat to the safety of others.*



1 **4. At the hearing held on a petition pursuant to this section,**
2 ***the juvenile court may consider any evidence, reports, statements***
3 ***or other material which the juvenile court determines is relevant***
4 ***and helpful to determine whether to grant the petition.***

5 **5. The juvenile court shall file written findings of fact and**
6 ***conclusions of law setting forth the factual basis and legal support***
7 ***for any decision to grant or deny a petition pursuant to this***
8 ***section.***

9 **Sec. 16.** NRS 62H.110 is hereby amended to read as follows:

10 62H.110 The provisions of NRS 62H.100 to 62H.170,
11 inclusive, do not apply to:

12 1. Information maintained in the standardized system
13 established pursuant to NRS 62H.200;

14 2. Information that must be collected by the Division of Child
15 and Family Services pursuant to NRS 62H.220;

16 3. Records that are subject to the provisions of ~~NRS 62F.260;~~
17 ***section 12 of this act;*** or

18 4. Records relating to a traffic offense that would have been a
19 misdemeanor if committed by an adult.

20 **Sec. 17.** NRS 62H.120 is hereby amended to read as follows:

21 62H.120 Any decree or order entered concerning a child within
22 the purview of this title must contain, for the benefit of the child, an
23 explanation of the contents of NRS 62H.100 to 62H.170, inclusive,
24 and, if applicable, ~~NRS 62F.260;~~ ***section 12 of this act.***

25 **Sec. 18.** NRS 179D.035 is hereby amended to read as follows:

26 179D.035 “Convicted” includes, but is not limited to, an
27 adjudication of delinquency by a court having jurisdiction over
28 juveniles if:

29 1. The adjudication of delinquency is for the commission of a
30 sexual offense that is listed in ~~NRS 62F.200;~~ ***section 6 of this act;***
31 and

32 2. The offender ~~was 14 years of age or older at the time of the~~
33 ~~offense;~~ ***has been deemed an adult sex offender pursuant to***
34 ***section 11 of this act or has been adjudicated as a violent or***
35 ***repetitive juvenile sex offender pursuant to section 14 of this act.***

36 **Sec. 19.** NRS 179D.0559 is hereby amended to read as
37 follows:

38 179D.0559 1. “Offender convicted of a crime against a child”
39 or “offender” means a person who, after July 1, 1956, is or has been:

40 (a) Convicted of a crime against a child that is listed in NRS
41 179D.0357; or

42 (b) Adjudicated delinquent ***or found guilty*** by a court having
43 jurisdiction over juveniles of a crime against a child that is listed in
44 ~~NRS 62F.200 if the offender was 14 years of age or older at the~~
45 ~~time of the crime;~~ ***subsection 6 of NRS 179D.0357.***



2. The term includes, without limitation, an 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.

Sec. 20. NRS 179D.095 is hereby amended to read as follows:

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

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

(b) *Deemed an adult sex offender pursuant to section 11 of this act by a court having jurisdiction over juveniles;*

(c) *Adjudicated as a violent or repetitive juvenile sex offender pursuant to section 14 of this act by a court having jurisdiction over juveniles; or*

(d) Adjudicated delinquent *or found guilty* 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.~~ *paragraph (t) of subsection 1 of NRS 179D.097.*

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.

Sec. 21. 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 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to ~~NRS 62F.220~~ *section 11 or 14 of this act* that a juvenile has been adjudicated delinquent for an offense ~~{for which the juvenile}~~ *and* is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, the Central Repository shall:

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

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall:

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



(b) Immediately provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

3. If an offender or sex offender is incarcerated or confined and has previously been convicted of a crime against a child as described in NRS 179D.0357 or a sexual offense as described in NRS 179D.097, before the offender or sex offender is released:

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

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

(I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex offender was convicted if the offender or sex offender is not a resident of that jurisdiction pursuant to NRS 179D.445;

(II) The duty to register in this State during any period in which the offender or sex offender is a resident of this State or a nonresident who is a student or worker within this State and the time within which the offender or sex offender is required to register pursuant to NRS 179D.460;

(III) The duty to register in any other jurisdiction during any period in which the offender or sex offender is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(IV) If the offender or sex offender moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(V) The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and

(VI) The duty to notify immediately the appropriate local law enforcement agency if 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 if the offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes



* A B 1 9 7 *

1 the date of commencement or termination of the offender or sex
2 offender's work at an institution of higher education; and

3 (2) Require the offender or sex offender to read and sign a
4 form stating that the requirements for registration have been
5 explained and that the offender or sex offender understands the
6 requirements for registration, and to forward the form to the Central
7 Repository.

8 (b) The Central Repository shall:

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

11 (2) Provide community notification concerning the offender
12 or sex offender pursuant to the provisions of NRS 179D.475; and

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

18 4. The failure to provide an offender or sex offender with the
19 information or confirmation form required by paragraph (a) of
20 subsection 3 does not affect the duty of the offender or sex offender
21 to register and to comply with all other provisions for registration.

22 5. If the Central Repository receives notice from another
23 jurisdiction or the Federal Bureau of Investigation that an offender
24 or sex offender is now residing or is a student or worker within this
25 State, the Central Repository shall:

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

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

30 (c) Immediately provide community notification concerning the
31 offender or sex offender pursuant to the provisions of
32 NRS 179D.475.

33 **Sec. 22.** NRS 179D.490 is hereby amended to read as follows:

34 179D.490 1. An offender convicted of a crime against a child
35 or a sex offender shall comply with the provisions for registration
36 for as long as the offender or sex offender resides or is present
37 within this State or is a nonresident offender or sex offender who is
38 a student or worker within this State, unless the period of time
39 during which the offender or sex offender has the duty to register is
40 reduced pursuant to the provisions of this section ~~H~~ or section 15 of
41 *this act*.

42 2. Except as otherwise provided in subsection 3, the full period
43 of registration is:

44 (a) Fifteen years, if the offender or sex offender is a Tier I
45 offender;



(b) Twenty-five years, if the offender or sex offender is a Tier II offender; and

(c) The life of the offender or sex offender, if the offender or sex offender is a Tier III offender,

➤ exclusive of any time during which the offender or sex offender is incarcerated or confined.

3. If an offender or sex offender complies with the provisions for registration ~~+~~:

~~—(a) For~~ ~~for~~ an interval of at least 10 consecutive years, if the offender or sex offender is a Tier I offender ~~+~~ ~~or~~

~~—(b) For an interval of at least 25 consecutive years, if the other than an~~ offender or sex offender ~~is a Tier III offender~~ ~~who was~~ adjudicated delinquent for the offense which required registration as an offender or sex offender,

~~+~~ ~~→~~ during which the offender or sex offender is not convicted of an offense for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, the offender or sex offender may file a petition to reduce the period of time during which the offender or sex offender has a duty to register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

4. If the offender or sex offender satisfies the requirements of subsection 3, the court shall hold a hearing on the petition at which the offender or sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the offender or sex offender satisfies the requirements of subsection 3, the court shall ~~+~~:

~~—(a) If~~ ~~,~~ ~~if~~ the offender or sex offender is a Tier I offender, reduce the period of time during which the offender or sex offender is required to register by 5 years. ~~+~~ ~~and~~

~~—(b) If the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender, reduce the period of time during which the offender or sex offender is required to register from the life of the offender or sex offender to that period of time for which the offender or sex offender meets the requirements of subsection 3.~~



1 ***5. If the offender or sex offender was adjudicated delinquent***
2 ***for an offense which required registration as an offender or sex***
3 ***offender, the offender or sex offender may file a petition pursuant***
4 ***to section 15 of this act with the juvenile court having jurisdiction***
5 ***over the offender or sex offender to relieve the offender or sex***
6 ***offender from the duty to register.***

7 **Sec. 23.** NRS 62F.200, 62F.220 and 62F.260 are hereby
8 repealed.

9 **Sec. 24.** The provisions of this act apply to juveniles who have
10 been adjudicated delinquent before, on or after October 1, 2013.

TEXT OF REPEALED SECTIONS

62F.200 “Sexual offense” defined.

1. As used in this section and NRS 62F.220 and 62F.260, unless the context otherwise requires, “sexual offense” means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (c) Lewdness with a child pursuant to NRS 201.230; or
- (d) An attempt or conspiracy to commit an offense listed in this section.

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

62F.220 Certain duties of juvenile court with respect to juvenile sex offenders; jurisdiction of juvenile court not terminated until child no longer subject to registration and community notification.

1. If a child who is 14 years of age or older is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the juvenile court shall:

(a) Notify the Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive; and

(b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions



of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.

62F.260 Records not sealed during period of registration and community notification. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification as a juvenile sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

