

ASSEMBLY BILL NO. 40—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE STATE BOARD
OF PAROLE COMMISSIONERS)

PREFILED DECEMBER 20, 2012

Referred to Committee on Judiciary

SUMMARY—Authorizes the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system. (BDR 16-346)

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

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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 victims of crime; authorizing the State Board of Parole Commissioners to notify victims of crime of certain information through the use of an automated victim notification system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that if a victim of a prisoner who is being considered for
2 parole has submitted a written request for notification to the State Board of Parole
3 Commissioners, the Board must notify the victim of: (1) the date of the meeting to
4 consider the prisoner for parole; (2) the victim's right to submit documents to the
5 Board and to testify at the meeting held to consider the prisoner for parole; and (3)
6 the final decision of the Board. (NRS 213.131) Existing law further provides that if
7 a victim of an offender serving a term of imprisonment in state prison has
8 submitted such a request to the Board, the Division of Parole and Probation is
9 required to notify the victim of: (1) the offender's request to serve a term of
10 residential confinement and the victim's right to submit documents regarding the
11 request to the Division; and (2) the intent to assign the offender to residential
12 confinement and the victim's right to submit documents regarding the assignment.
13 (NRS 209.392, 209.3925)

14 This bill authorizes the Board to enter into an agreement with the manager of
15 an automated victim notification system that is capable of automatically notifying
16 victims by telephone or electronic means of the information required by existing
17 law with the timeliness required by existing law. Under this bill, the Board and the
18 Division are not required to notify a victim if the Board has entered into an



agreement with the manager of the automated victim notification system and has provided certain notice to victims of the change in the manner in which the Board and the Division provide the notices required by existing law. If the Board decides to discontinue using the automated victim notification system to notify victims, the system, not later than 90 days before the discontinuance of the use of the system, must notify victims who have registered with the system of the discontinuance.

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

Section 1. NRS 209.392 is hereby amended to read as follows:

209.392 1. Except as otherwise provided in NRS 209.3925 and 209.429, the Director may, at the request of an offender who is eligible for residential confinement pursuant to the standards adopted by the Director pursuant to subsection 3 and who has:

(a) Demonstrated a willingness and ability to establish a position of employment in the community;

(b) Demonstrated a willingness and ability to enroll in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime,

➔ assign the offender to the custody of the Division of Parole and Probation of the Department of Public Safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his or her sentence.

2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the Director shall notify the Division of Parole and Probation. ~~##~~ *Except as otherwise provided in section 3 of this act, if* any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim of the offender's request and advise the victim that the victim may submit documents regarding the request to the Division of Parole and Probation. If a current address has not been provided as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if such notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

3. The Director, after consulting with the Division of Parole and Probation, shall adopt, by regulation, standards providing which



1 offenders are eligible for residential confinement. The standards
2 adopted by the Director must provide that an offender who:

3 (a) Has recently committed a serious infraction of the rules of an
4 institution or facility of the Department;

5 (b) Has not performed the duties assigned to the offender in a
6 faithful and orderly manner;

7 (c) Has been convicted of:

8 (1) Any crime that is punishable as a felony involving the use
9 or threatened use of force or violence against the victim within the
10 immediately preceding 3 years;

11 (2) A sexual offense that is punishable as a felony; or

12 (3) Except as otherwise provided in subsection 4, a category
13 A or B felony;

14 (d) Has more than one prior conviction for any felony in this
15 State or any offense in another state that would be a felony if
16 committed in this State, not including a violation of NRS 484C.110,
17 484C.120, 484C.130 or 484C.430; or

18 (e) Has escaped or attempted to escape from any jail or
19 correctional institution for adults,

20 ➤ is not eligible for assignment to the custody of the Division of
21 Parole and Probation to serve a term of residential confinement
22 pursuant to this section.

23 4. The standards adopted by the Director pursuant to
24 subsection 3 must provide that an offender who has been convicted
25 of a category B felony is eligible for assignment to the custody of
26 the Division of Parole and Probation to serve a term of residential
27 confinement pursuant to this section if:

28 (a) The offender is not otherwise ineligible pursuant to
29 subsection 3 for an assignment to serve a term of residential
30 confinement; and

31 (b) The Director makes a written finding that such an
32 assignment of the offender is not likely to pose a threat to the safety
33 of the public.

34 5. If an offender assigned to the custody of the Division of
35 Parole and Probation pursuant to this section escapes or violates any
36 of the terms or conditions of the offender's residential confinement:

37 (a) The Division of Parole and Probation may, pursuant to the
38 procedure set forth in NRS 213.410, return the offender to the
39 custody of the Department.

40 (b) The offender forfeits all or part of the credits for good
41 behavior earned by the offender before the escape or violation, as
42 determined by the Director. The Director may provide for a
43 forfeiture of credits pursuant to this paragraph only after proof of the
44 offense and notice to the offender and may restore credits forfeited



1 for such reasons as the Director considers proper. The decision of
2 the Director regarding such a forfeiture is final.

3 6. The assignment of an offender to the custody of the Division
4 of Parole and Probation pursuant to this section shall be deemed:

5 (a) A continuation of the offender's imprisonment and not a
6 release on parole; and

7 (b) For the purposes of NRS 209.341, an assignment to a facility
8 of the Department,

9 ➔ except that the offender is not entitled to obtain any benefits or to
10 participate in any programs provided to offenders in the custody of
11 the Department.

12 7. An offender does not have a right to be assigned to the
13 custody of the Division of Parole and Probation pursuant to this
14 section, or to remain in that custody after such an assignment, and it
15 is not intended that the provisions of this section or of NRS 213.371
16 to 213.410, inclusive, create any right or interest in liberty or
17 property or establish a basis for any cause of action against the
18 State, its political subdivisions, agencies, boards, commissions,
19 departments, officers or employees.

20 **Sec. 2.** NRS 209.3925 is hereby amended to read as follows:

21 209.3925 1. Except as otherwise provided in subsection 6,
22 the Director may assign an offender to the custody of the Division
23 of Parole and Probation of the Department of Public Safety to serve
24 a term of residential confinement pursuant to NRS 213.380 or other
25 appropriate supervision as determined by the Division of Parole and
26 Probation, for not longer than the remainder of his or her sentence,
27 if:

28 (a) The Director has reason to believe that the offender is:

29 (1) Physically incapacitated or in ill health to such a degree
30 that the offender does not presently, and likely will not in the future,
31 pose a threat to the safety of the public; or

32 (2) In ill health and expected to die within 12 months, and
33 does not presently, and likely will not in the future, pose a threat to
34 the safety of the public; and

35 (b) At least two physicians licensed pursuant to chapter 630 or
36 633 of NRS, one of whom is not employed by the Department,
37 verify, in writing, that the offender is:

38 (1) Physically incapacitated or in ill health; or

39 (2) In ill health and expected to die within 12 months.

40 2. If the Director intends to assign an offender to the custody of
41 the Division of Parole and Probation pursuant to this section, at least
42 45 days before the date the offender is expected to be released from
43 the custody of the Department, the Director shall notify:



(a) If the offender will reside within this State after the offender is released from the custody of the Department, the board of county commissioners of the county in which the offender will reside; and

(b) The Division of Parole and Probation.

3. ~~HH~~ *Except as otherwise provided in section 3 of this act, if* any victim of a crime committed by the offender has, pursuant to subsection 4 of NRS 213.131, requested to be notified of the consideration of a prisoner for parole and has provided a current address, the Division of Parole and Probation shall notify the victim that:

(a) The Director intends to assign the offender to the custody of the Division of Parole and Probation pursuant to this section; and

(b) The victim may submit documents to the Division of Parole and Probation regarding such an assignment.

➔ If a current address has not been provided by a victim as required by subsection 4 of NRS 213.131, the Division of Parole and Probation must not be held responsible if notification is not received by the victim. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division of Parole and Probation pursuant to this subsection is confidential.

4. If an offender assigned to the custody of the Division of Parole and Probation pursuant to this section escapes or violates any of the terms or conditions of his or her residential confinement or other appropriate supervision as determined by the Division of Parole and Probation:

(a) The Division of Parole and Probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the Department.

(b) The offender forfeits all or part of the credits for good behavior earned by the offender before the escape or violation, as determined by the Director. The Director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender and may restore credits forfeited for such reasons as the Director considers proper. The decision of the Director regarding such a forfeiture is final.

5. The assignment of an offender to the custody of the Division of Parole and Probation pursuant to this section shall be deemed:

(a) A continuation of the offender's imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the Department,

➔ except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the Department.



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6. The Director may not assign an offender to the custody of the Division of Parole and Probation pursuant to this section if the offender is sentenced to death or imprisonment for life without the possibility of parole.

7. An offender does not have a right to be assigned to the custody of the Division of Parole and Probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 3. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board, in consultation with the Division, may enter into an agreement with the manager of an automated victim notification system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 through the system if the system is capable of:

(a) Automatically notifying by telephone or electronic means a victim registered with the system of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131 with the timeliness required by NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131; and

(b) Notifying victims registered with the system, using language provided by the Board, if the Board decides that it will discontinue the use of the system to notify victims of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Be provided to each victim registered with the system not less than 90 days before the date on which the Board will discontinue use of the system; and

(2) Advise each victim to submit a written request for notification pursuant to subsection 4 of NRS 213.131 if the victim wishes to receive notice of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131.

2. The Division is not required to notify the victim of an offender of the information described in NRS 209.392 and 209.3925 and the Board is not required to notify the victim of a prisoner of the information described in subsections 4 and 7 of NRS 213.131 if:

(a) The Board has entered into an agreement pursuant to subsection 1; and

(b) Before discontinuing the notification of victims pursuant to NRS 209.392 and 209.3925 and subsections 4 and 7 of



NRS 213.131, the Board, not less than two times and not less than 60 days apart, has notified each victim who has requested notification pursuant to subsection 4 of NRS 213.131 and who has provided his or her current address or whose current address is otherwise known by the Board of the change in the manner in which a victim is notified of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131. The notice must:

(1) Advise the victim that the Division will no longer notify the victim of the information described in NRS 209.392 and 209.3925, that the Board will no longer notify the victim of the information described in subsections 4 and 7 of NRS 213.131, and that the victim may register with the automated victim notification system if he or she wishes to be notified of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131; and

(2) Include instructions for registering with the automated victim notification system to receive notice of the information described in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131.

3. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 4. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 3 of this act*, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion



1 of the home if the act is determined to be sexually motivated at a
2 hearing conducted pursuant to NRS 175.547.

3 7. "Standards" means the objective standards for granting or
4 revoking parole or probation which are adopted by the Board or the
5 Chief.

6 **Sec. 5.** NRS 213.1099 is hereby amended to read as follows:

7 213.1099 1. Except as otherwise provided in this section and
8 NRS 213.1214 and 213.1215, the Board may release on parole a
9 prisoner who is otherwise eligible for parole pursuant to NRS
10 213.107 to 213.157, inclusive ~~H~~, and *section 3 of this act.*

11 2. In determining whether to release a prisoner on parole, the
12 Board shall consider:

13 (a) Whether there is a reasonable probability that the prisoner
14 will live and remain at liberty without violating the laws;

15 (b) Whether the release is incompatible with the welfare of
16 society;

17 (c) The seriousness of the offense and the history of criminal
18 conduct of the prisoner;

19 (d) The standards adopted pursuant to NRS 213.10885 and the
20 recommendation, if any, of the Chief; and

21 (e) Any documents or testimony submitted by a victim notified
22 pursuant to NRS 213.131 ~~H~~ *or section 3 of this act.*

23 3. When a person is convicted of a felony and is punished by a
24 sentence of imprisonment, the person remains subject to the
25 jurisdiction of the Board from the time the person is released on
26 parole under the provisions of this chapter until the expiration of the
27 maximum term of imprisonment imposed by the court less any
28 credits earned to reduce his or her sentence pursuant to chapter 209
29 of NRS.

30 4. Except as otherwise provided in NRS 213.1215, the Board
31 may not release on parole a prisoner whose sentence to death or to
32 life without possibility of parole has been commuted to a lesser
33 penalty unless ~~H~~ *the Board* finds that the prisoner has served at
34 least 20 consecutive years in the state prison, is not under an order
35 to be detained to answer for a crime or violation of parole or
36 probation in another jurisdiction, and ~~that the prisoner~~ does not
37 have a history of:

38 (a) Recent misconduct in the institution, and ~~that the prisoner~~
39 has been recommended for parole by the Director of the Department
40 of Corrections;

41 (b) Repetitive criminal conduct;

42 (c) Criminal conduct related to the use of alcohol or drugs;

43 (d) Repetitive sexual deviance, violence or aggression; or

44 (e) Failure in parole, probation, work release or similar
45 programs.



1 5. In determining whether to release a prisoner on parole
2 pursuant to this section, the Board shall not consider whether the
3 prisoner will soon be eligible for release pursuant to NRS 213.1215.

4 6. The Board shall not release on parole an offender convicted
5 of an offense listed in NRS 179D.097 until the Central Repository
6 for Nevada Records of Criminal History has been provided an
7 opportunity to give the notice required pursuant to NRS 179D.475.

8 **Sec. 6.** NRS 213.131 is hereby amended to read as follows:

9 213.131 1. The Department of Corrections shall:

10 (a) Determine when a prisoner sentenced to imprisonment in the
11 state prison is eligible to be considered for parole;

12 (b) Notify the Board of the eligibility of the prisoner to be
13 considered for parole; and

14 (c) Before a meeting to consider the prisoner for parole, compile
15 and provide to the Board data that will assist the Board in
16 determining whether parole should be granted.

17 2. If a prisoner is being considered for parole from a sentence
18 imposed for conviction of a crime which involved the use of force
19 or violence against a victim and which resulted in bodily harm to a
20 victim and if original or duplicate photographs that depict the
21 injuries of the victim or the scene of the crime were admitted at the
22 trial of the prisoner or were part of the report of the presentence
23 investigation and are reasonably available, a representative sample
24 of such photographs must be included with the information
25 submitted to the Board at the meeting. A prisoner may not bring a
26 cause of action against the State of Nevada, its political
27 subdivisions, agencies, boards, commissions, departments, officers
28 or employees for any action that is taken pursuant to this subsection
29 or for failing to take any action pursuant to this subsection,
30 including, without limitation, failing to include photographs or
31 including only certain photographs. As used in this subsection,
32 "photograph" includes any video, digital or other photographic
33 image.

34 3. Meetings to consider prisoners for parole may be held
35 semiannually or more often, on such dates as may be fixed by the
36 Board. All meetings are quasi-judicial and must be open to the
37 public. No rights other than those conferred pursuant to this section
38 or pursuant to specific statute concerning meetings to consider
39 prisoners for parole are available to any person with respect to such
40 meetings.

41 4. ~~Not~~ *Except as otherwise provided in section 3 of this act,*
42 *not* later than 5 days after the date on which the Board fixes the date
43 of the meeting to consider a prisoner for parole, the Board shall
44 notify the victim of the prisoner who is being considered for parole
45 of the date of the meeting and of the victim's rights pursuant to this



subsection, if the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the State Board of Parole Commissioners.

7. ~~HH~~ *Except as otherwise provided in section 3 of this act, if* a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. The Board may grant parole without a meeting, pursuant to NRS 213.133, but the Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.

10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:

(a) At his or her own expense, to have a representative present with whom the prisoner may confer; and

(b) To speak on his or her own behalf or to have his or her representative speak on his or her behalf.

11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.

12. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.



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Sec. 7. NRS 213.133 is hereby amended to read as follows:

213.133 1. Except as otherwise provided in subsections 6, 7 and 8, the Board may delegate its authority to hear, consider and act upon the parole of a prisoner and on any issue before the Board to a panel consisting of:

(a) Two or more members of the Board, two of whom constitute a quorum; or

(b) One member of the Board who is assisted by a case hearing representative.

2. No action taken by any panel created pursuant to paragraph (a) of subsection 1 is valid unless concurred in by a majority vote of those sitting on the panel.

3. The decision of a panel is subject to final approval by the affirmative action of a majority of the members appointed to the Board. Such action may be taken at a meeting of the Board or without a meeting by the delivery of written approval to the Executive Secretary of the Board.

4. The degree of complexity of issues presented must be taken into account before the Board makes any delegation of its authority and before it determines the extent of a delegation.

5. The Board shall adopt regulations which establish the basic types of delegable cases and the size of the panel required for each type of case.

6. A hearing concerning the parole of a prisoner or any decision on an issue involving a person:

(a) Who committed a capital offense;

(b) Who is serving a sentence of imprisonment for life;

(c) Who has been convicted of a sexual offense involving the use or threat of use of force or violence;

(d) Who is a habitual criminal; or

(e) Whose sentence has been commuted by the State Board of Pardons Commissioners,

must be conducted by at least three members of the Board, and action may be taken only with the concurrence of at least four members.

7. If a recommendation made by a panel deviates from the standards adopted by the Board pursuant to NRS 213.10885 or the recommendation of the Division, the Chair must concur in the recommendation.

8. A member of the Board or a person who has been designated as a case hearing representative in accordance with NRS 213.135 may recommend to the Board that a prisoner be released on parole without a meeting if:

(a) The prisoner is not serving a sentence for a crime described in subsection 6;



(b) The parole standards created pursuant to NRS 213.10885 suggest that parole should be granted;

(c) There are no current requests for notification of hearings made in accordance with subsection 4 of NRS 213.131 ~~or~~ *or, if the Board is not required to provide notification of hearings pursuant to section 3 of this act, the Board has not been notified by the automated victim notification system that a victim of the prisoner has registered with the system to receive notification of hearings;* and

(d) Notice to law enforcement of the eligibility for parole of the prisoner was given pursuant to subsection 5 of NRS 213.1085, and no person objected to granting parole without a meeting during the 30-day notice period.

9. A recommendation made in accordance with subsection 8 is subject to final approval by the affirmative action of a majority of the members appointed to the Board. The final approval by affirmative action must not take place until the expiration of the 30-day notice period to law enforcement of the eligibility for parole of the prisoner in accordance with subsection 5 of NRS 213.1085. Such action may be taken at a meeting of the Board or without a meeting of the Board by delivery of written approval to the Executive Secretary of the Board by a majority of the members.

Sec. 8. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;



(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 ~~or~~ *or section 3 of this act;*

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address, before the offender is released from prison.



7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

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

(5) Incest pursuant to NRS 201.180;

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

(7) Open or gross lewdness pursuant to NRS 201.210;

(8) Indecent or obscene exposure pursuant to NRS 201.220;

(9) Lewdness with a child pursuant to NRS 201.230;

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

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

(12) An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

(13) An attempt to commit an offense listed in this paragraph.

Sec. 9. This act becomes effective upon passage and approval.

