
ASSEMBLY BILL NO. 45—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2014

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the assessment by the Department of Corrections of prisoners convicted of sexual offenses. (BDR 16-152)

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

~

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

AN ACT relating to prisoners; revising provisions governing the assessment by the Department of Corrections of prisoners convicted of sexual offenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the Department of Corrections to assess each prisoner
2 who has been convicted of a sexual offense to determine the prisoner's risk to
3 reoffend in a sexual manner. The Department must use a currently accepted
4 standard of assessment that returns a risk level of low, moderate or high. (NRS
5 213.1214) Existing law also requires the Board to release on parole a prisoner who
6 meets certain criteria, but the Board is not required to release on parole a prisoner
7 who has been determined to be a high risk to reoffend in a sexual manner. (NRS
8 213.1215) This bill eliminates the requirement that the assessment return the levels
9 of risk specified in existing law and provides that the assessment must include,
10 without limitation, a determination of the prisoner's risk to reoffend in a sexual
11 manner, including, without limitation, whether the prisoner is a high risk to
12 reoffend in a sexual manner for the purposes of NRS 213.1215.



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

Section 1. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must ~~return a risk level of low, moderate or high.~~ *include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215.* The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.



1 6. As used in this section:

2 (a) "Director" means the Director of the Department of
3 Corrections.

4 (b) "Reoffend in a sexual manner" means to commit a sexual
5 offense.

6 (c) "Sex offender" means a person who, after July 1, 1956, is or
7 has been:

8 (1) Convicted of a sexual offense; or

9 (2) Adjudicated delinquent or found guilty by a court having
10 jurisdiction over juveniles of a sexual offense listed in subparagraph
11 (18) of paragraph (d).

12 ➤ The term includes, but is not limited to, a sexually violent
13 predator or a nonresident sex offender who is a student or worker
14 within this State.

15 (d) "Sexual offense" means any of the following offenses:

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

20 (2) Sexual assault pursuant to NRS 200.366.

21 (3) Statutory sexual seduction pursuant to NRS 200.368.

22 (4) Battery with intent to commit sexual assault pursuant to
23 NRS 200.400.

24 (5) An offense involving the administration of a drug to
25 another person with the intent to enable or assist the commission of
26 a felony pursuant to NRS 200.405, if the felony is an offense listed
27 in this paragraph.

28 (6) An offense involving the administration of a controlled
29 substance to another person with the intent to enable or assist the
30 commission of a crime of violence pursuant to NRS 200.408, if the
31 crime of violence is an offense listed in this paragraph.

32 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
33 involved sexual abuse or sexual exploitation.

34 (8) An offense involving pornography and a minor pursuant
35 to NRS 200.710 to 200.730, inclusive.

36 (9) Incest pursuant to NRS 201.180.

37 (10) Open or gross lewdness pursuant to NRS 201.210.

38 (11) Indecent or obscene exposure pursuant to NRS 201.220.

39 (12) Lewdness with a child pursuant to NRS 201.230.

40 (13) Sexual penetration of a dead human body pursuant to
41 NRS 201.450.

42 (14) Luring a child or a person with mental illness pursuant
43 to NRS 201.560, if punished as a felony.

44 (15) An attempt or conspiracy to commit an offense listed in
45 subparagraphs (1) to (14), inclusive.



(16) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(17) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(18) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

➔ The term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or 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.

Sec. 2. This act becomes effective on July 1, 2015.

