

Amendment No. 915

Senate Amendment to Senate Bill No. 99 First Reprint

(BDR 14-134)

Proposed by: Senator Brower

Amends: Summary: Yes 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

BJF/BAW



Date: 5/27/2015

S.B. No. 99—Revising provisions governing registration and community notification of sex offenders and offenders convicted of a crime against a child. (BDR 14-134)



SENATE BILL NO. 99—SENATOR SEGERBLOM

PREFILED JANUARY 30, 2015

JOINT SPONSOR: ASSEMBLYWOMAN FIORE

Referred to Committee on Judiciary

SUMMARY—Revising provisions governing ~~registration and community notification of~~ sex offenders and offenders convicted of a crime against a child. (BDR 14-134)

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 governing the lifetime supervision of certain sex offenders; revising provisions governing registration and community notification of sex offenders and offenders convicted of a crime against a child; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; revising provisions governing certain restrictions on certain sex offenders placed on probation, parole or lifetime supervision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a court to include in the sentence of a defendant convicted of certain sexual offenses a special sentence of lifetime supervision. (NRS 176.0931) Section 61.3 of this bill adds sex trafficking to the list of offenses for which a special sentence of lifetime supervision must be imposed. Section 61.3 also removes the requirement that the sentencing court or State Board of Parole Commissioners release the offender from lifetime supervision under certain circumstances and, instead, authorizes the sentencing court or the Board to release the offender from lifetime supervision under certain circumstances.

Existing law prohibits certain sex offenders from being within a certain distance of certain locations frequented primarily by children. (NRS 176A.410, 213.1243-213.1255) Sections 61.5 and 84.3-84.7 of this bill provide that this restriction applies only to an offender who is convicted of a sexual offense against a child under the age of 14 years rather than to an offender who is a Tier III offender.

Existing law provides that offenders convicted of certain sexual offenses or certain crimes against a child are subject to certain registration and community notification requirements. (NRS 179D.010-179D.550) Section 62.3 of this bill revises the list of sexual offenses to which the requirement for registration and community notification apply to: (1) include certain offenses involving sexual conduct between certain employees of or volunteers at a school, college or university and certain pupils or students; and (2) exclude an offense

involving public urination or indecent exposure unless one of the purposes for which the offender committed the act was his or her sexual gratification. Sections 62.5 and 62.7 of this bill revise the offenses included in Tier II and Tier III levels of registration and community notification. Section 63.3 of this bill removes the requirement that the law enforcement agency with which such an offender registers ensure that the offender's record of registration contains the text of the provision of law which the offender was convicted of violating and certain specific information concerning the criminal history of the offender.

Under existing law, a sex offender or offender convicted of a crime against a child must update his or her registration not later than 3 business days after a change in the offender's name, residence or employment or student status. (NRS 179D.447) Existing law also requires a sex offender to update certain information regarding his or her presence in the State within 48 hours after a change in such information. (NRS 179D.470) **Section 63.7** of this bill provides that a sex offender or offender convicted of a crime against a child must submit updates of the information not later than 48 hours after a change in the information. **Sections 63.7 and 65.5** of this bill add a requirement that a sex offender or an offender convicted of a crime against a child update his or her registration when there is a change to: (1) the driver's license or identification card issued to him or her by this State or another jurisdiction; or (2) the description of the vehicle registered to or frequently driven by him or her. **Section 65** of this bill requires the local law enforcement agency with which a sex offender or offender convicted of a crime against a child registers to inform him or her of the information that must be updated.

Existing law requires a sex offender or an offender convicted of a crime against a child to be subject to registration or community notification for a specified period depending upon the offense committed by the offender. However, under certain circumstances, a sex offender or an offender convicted of a crime against a child may petition for a reduction in the period for which the offender is required to be subject to registration and community notification. (NRS 179D.490) Section 67 of this bill prohibits a sex offender or an offender convicted of a crime against a child from filing a petition to terminate his or her duty to register if the offender: (1) is subject to lifetime supervision; (2) has been declared a sexually violent predator; (3) has been convicted of a sexually violent offense; or (4) has been convicted of two or more offenses against a child. Section 61.7 of this bill sets forth the procedure for determining whether a sex offender or an offender convicted of a crime against a child is a sexually violent predator for the purpose of determining whether the offender is eligible to petition to terminate his or her duty to register.

Existing law provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense is required to register as a sex offender in the same manner as an adult and is subject to community notification. (NRS 62F.220, 179D.0559, 179D.095) In addition, existing law prohibits the sealing of records relating to a child while the child is subject to registration and community notification as a juvenile sex offender. (NRS 62F.260) **Section 95** of this bill repeals those provisions and **sections 74-82** of this bill enact provisions to govern the registration and community notification of juvenile sex offenders.

Sections 74.5 and 76 include certain offenses, called "aggravated sexual offenses," in the list of sexual offenses for which registration and community notification as a juvenile sex offender is required. **Section 77.5** provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or older at the time of the commission of the sexual offense: (1) must register as a sex offender with the juvenile court, juvenile probation department or the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services, whichever entity is determined to be the appropriate entity by the juvenile court; and (2) update his or her registration information not later than 48 hours after certain changes to that information. **Section 77.5** also requires: (1) the juvenile court to order the parent or guardian of the child to ensure that the child complies with the requirements for registration as a sex offender; and (2) the parent or guardian of the child to notify the entity with which the child is registered as a sex offender and, if appropriate, the local law enforcement agency, if the child runs away or otherwise leaves the placement for the child approved by the juvenile court.

Under **section 78**, the juvenile court is required to: (1) notify the Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual

offenses so that the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child that he or she is subject to certain requirements for registration and community notification applicable to sex offenders. **Section 78** further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child of the requirement to register as a sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age.

Section 80.5 provides that upon a motion by a child, a judge of the juvenile court may exempt the child from the requirements of community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under **section 80.5**, the ~~court~~ judge may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The ~~court~~ judge must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the ~~court~~ judge finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. **Section 80.5** further authorizes the ~~court~~ judge to reconsider its decision on a motion after considering certain factors. Finally, if the ~~juvenile court~~ judge exempts a child from community notification or excludes the child from placement on the community notification website, or both, the ~~juvenile court~~ judge must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website.

Section 81 requires ~~that~~ a judge of the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the ~~juvenile court~~ judge finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the ~~juvenile court~~ judge must relieve the child from the requirement for registration and community notification as a sex offender. However, if the ~~juvenile court~~ judge determines that the child has not been rehabilitated or poses a threat to the safety of others, the ~~juvenile court~~ judge must order that the child is subject to registration and community notification in the manner provided for adult sex offenders.

Section 81.5 provides that the juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 80.5 and 81.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

1 Sec. 19. (Deleted by amendment.)

2 Sec. 20. (Deleted by amendment.)

3 Sec. 21. (Deleted by amendment.)

4 Sec. 22. (Deleted by amendment.)

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6 Sec. 24. (Deleted by amendment.)

7 Sec. 25. (Deleted by amendment.)

8 Sec. 26. (Deleted by amendment.)

9 Sec. 27. (Deleted by amendment.)

10 Sec. 28. (Deleted by amendment.)

11 Sec. 29. (Deleted by amendment.)

12 Sec. 30. (Deleted by amendment.)

13 Sec. 31. (Deleted by amendment.)

14 Sec. 32. (Deleted by amendment.)

15 Sec. 33. (Deleted by amendment.)

16 Sec. 34. (Deleted by amendment.)

17 Sec. 35. (Deleted by amendment.)

18 Sec. 36. (Deleted by amendment.)

19 Sec. 37. (Deleted by amendment.)

20 Sec. 38. (Deleted by amendment.)

21 Sec. 39. (Deleted by amendment.)

22 Sec. 40. (Deleted by amendment.)

23 Sec. 41. (Deleted by amendment.)

24 Sec. 42. (Deleted by amendment.)

25 Sec. 43. (Deleted by amendment.)

26 Sec. 44. (Deleted by amendment.)

27 Sec. 45. (Deleted by amendment.)

28 Sec. 46. (Deleted by amendment.)

29 Sec. 47. (Deleted by amendment.)

30 Sec. 48. (Deleted by amendment.)

31 Sec. 49. (Deleted by amendment.)

32 Sec. 50. (Deleted by amendment.)

33 Sec. 51. (Deleted by amendment.)

34 Sec. 52. (Deleted by amendment.)

35 Sec. 53. (Deleted by amendment.)

36 Sec. 54. (Deleted by amendment.)

37 Sec. 55. (Deleted by amendment.)

38 Sec. 56. (Deleted by amendment.)

39 Sec. 57. (Deleted by amendment.)

40 Sec. 58. (Deleted by amendment.)

41 Sec. 59. (Deleted by amendment.)

42 Sec. 60. (Deleted by amendment.)

43 Sec. 61. (Deleted by amendment.)

44 Sec. 61.3. **NRS 176.0931 is hereby amended to read as follows:**

45 176.0931 1. If a defendant is convicted of a sexual offense, the court shall
46 include in sentencing, in addition to any other penalties provided by law, a special
47 sentence of lifetime supervision.

48 2. The special sentence of lifetime supervision commences after any period of
49 probation or any term of imprisonment and any period of release on parole.

50 3. A person sentenced to lifetime supervision **who is eligible for release from**
51 **lifetime supervision pursuant to this subsection** may petition the sentencing court
52 or the State Board of Parole Commissioners for release from lifetime supervision.

53 ~~4. The sentencing court or the Board shall grant a petition for release from a special~~

~~sentence of lifetime supervision~~ A person sentenced to lifetime supervision is eligible for release from lifetime supervision only if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive ~~4~~, and section 61.7 of this act, for an interval of at least 10 consecutive years;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. If the sentencing court or the State Board of Parole Commissioners finds at a hearing on a petition filed pursuant to subsection 3 that the person sentenced to lifetime supervision is eligible for release from lifetime supervision pursuant to that subsection and is not likely to pose a threat to the safety of others, the court or the Board may grant the petition and release the person from lifetime supervision.

5. A person who is released from lifetime supervision pursuant to the provisions of subsection ~~4~~ 4 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive ~~4~~

~~5~~, and section 61.7 of this act.

6. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) A violation, or an attempt to commit a violation, of NRS 179D.550 or 213.1243.

(3) Any offense listed in subparagraph (1) or (2) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

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

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in NRS 176.133.

(c) "Sexual offense" means:

(1) A violation of:

(I) NRS 200.366 ~~4~~ subsection 1;

~~(II) Subsection 4 of NRS 200.400;~~
~~(III) NRS 200.710;~~
~~(IV) NRS 200.720;~~
~~(V) Subsection 2 of NRS 200.730;~~
~~(VI) NRS 201.180;~~
~~(VII) NRS 201.230;~~
~~(VIII) Paragraph (b) of subsection 2 of NRS 201.300;~~
~~(IX) NRS 201.450;~~ or ~~paragraph~~
~~(X) Paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of~~
subsection 5 of NRS 201.560;

(2) An attempt to commit an offense listed in subparagraph (1); or
(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 61.5. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection 6, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of the defendant's person, residence or vehicle or any property under the defendant's control, at any time of the day or night, without a warrant, by any parole and probation officer or any peace officer, for the purpose of determining whether the defendant has violated any condition of probation or suspension of sentence or committed any crime.

(b) Reside at a location only if:

(1) The residence has been approved by the parole and probation officer assigned to the defendant.

(2) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(3) The defendant keeps the parole and probation officer assigned to the defendant informed of the defendant's current address.

(c) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the defendant and keep the parole and probation officer informed of the location of the defendant's position of employment or position as a volunteer.

(d) Abide by any curfew imposed by the parole and probation officer assigned to the defendant.

(e) Participate in and complete a program of professional counseling approved by the Division.

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to the defendant, to determine whether the defendant is using a controlled substance.

(g) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the defendant.

(h) Abstain from consuming, possessing or having under the defendant's control any alcohol.

(i) Not have contact or communicate with a victim of the sexual offense or a witness who testified against the defendant or solicit another person to engage in such contact or communication on behalf of the defendant, unless approved by the Chief Parole and Probation Officer or the Chief Parole and Probation Officer's

designee and a written agreement is entered into and signed in the manner set forth in subsection 5.

(j) Not use aliases or fictitious names.

(k) Not obtain a post office box unless the defendant receives permission from the parole and probation officer assigned to the defendant.

(l) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of a sexual offense is present and permission has been obtained from the parole and probation officer assigned to the defendant in advance of each such contact.

(m) Unless approved by the parole and probation officer assigned to the defendant and by a psychiatrist, psychologist or counselor treating the defendant, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a defendant who is ~~is a Tier III offender,~~ convicted of a sexual offense against a child under the age of 14 years.

(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.

(r) Inform the parole and probation officer assigned to the defendant if the defendant 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 defendant's enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. Except as otherwise provided in subsection 6, if a defendant is convicted of ~~any~~ a sexual offense ~~(listed in subsection 6 of NRS 213.1255)~~ against a child under the age of 14 years, the defendant is a Tier III offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying the defendant's location and producing, upon request, reports or records of the defendant's presence near or within a crime scene or prohibited area or the defendant's departure from a specified geographic location.

(c) Pay any costs associated with the defendant's participation under the system of active electronic monitoring, to the extent of the defendant's ability to pay.

3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to the defendant's participation under the system of active electronic monitoring.

4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The defendant;

(c) The parole and probation officer assigned to the defendant;

(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any;

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and

(f) The Chief Parole and Probation Officer or the Chief Parole and Probation Officer's designee.

6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

7. As used in this section, "sexual offense" has the meaning ascribed to it in NRS 179D.097.

Sec. 61.7. Chapter 179D of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a sex offender is convicted of a sexually violent offense, or if a sex offender is convicted of a sexual offense and the sex offender previously has been convicted of a sexually violent offense, the prosecuting attorney may petition the court in which the sex offender was sentenced for a declaration that the sex offender is a sexually violent predator for the purposes of this chapter. The petition must be filed before the sex offender is released.

2. If the prosecuting attorney files a petition pursuant to subsection 1, the court shall schedule a hearing on the petition and shall order the sex offender to submit to an evaluation by a panel consisting of two qualified professionals, two persons who are advocates of victims' rights and two persons who represent law enforcement agencies. As part of the evaluation by the panel, the two qualified professionals shall conduct a psychological examination of the sex offender. The panel shall prepare a report of its conclusions, including, without limitation, the conclusions of the two qualified professionals regarding whether the sex offender

suffers from a mental disorder or personality disorder, and shall provide a copy of the report to the court.

3. If, after reviewing the report and considering the evidence presented at the hearing, the court determines that the sex offender suffers from a mental disorder or personality disorder, the court shall enter an order declaring the sex offender to be a sexually violent predator for the purposes of this chapter.

4. If the court determines that the sex offender does not suffer from a mental disorder or personality disorder, the sex offender remains subject to registration and community notification as a sex offender pursuant to the provisions of this chapter.

5. A panel conducting an evaluation of a sex offender pursuant to subsection 2 must be given access to all records of the sex offender that are necessary to conduct the evaluation, and the sex offender shall be deemed to have waived all rights of confidentiality and all privileges relating to those records for the limited purpose of the evaluation.

6. As used in this section, "sexually violent offense" means any of the following offenses:

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

(b) Sexual assault pursuant to NRS 200.366.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

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

(e) An attempt to commit an offense listed in paragraphs (a) to (d), inclusive.

(f) An offense that is determined to be sexually motivated pursuant to NRS 175.547.

(g) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court; or

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

(h) Any other sexual offense if, during the commission of the offense, the offender engaged in or attempted to engage in:

(1) Sexual penetration of a child less than 12 years of age; or

(2) Nonconsensual sexual penetration of any other person.

Sec. 62. NRS 179D.035 is hereby amended to read as follows:

179D.035 ~~["Convicted"]~~

1. Except as otherwise provided in subsection 2, "convicted" includes, but is not limited to, an adjudication of delinquency by a court having jurisdiction over juveniles if ~~+~~

~~—1. The adjudication of delinquency is for the commission of a sexual offense that is listed in ~~NRS 62F.200; and~~~~

~~—2. The offender was 14 years of age or older at the time of the offense.]~~
section 76 of this act.

2. The term does not include an adjudication of delinquency by a court having jurisdiction over juveniles if, pursuant to section 81 of this act, the court has relieved the juvenile of being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~+~~, and section 61.7 of this act.

Sec. 62.3. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

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

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subsection.

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

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

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

(i) Incest pursuant to NRS 201.180.

(j) Open or gross lewdness pursuant to NRS 201.210.

(k) Indecent or obscene exposure pursuant to NRS 201.220.

(l) Lewdness with a child pursuant to NRS 201.230.

(m) Sexual penetration of a dead human body pursuant to NRS 201.450.

(n) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(o) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

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

~~(q)~~ (q) Sex trafficking pursuant to NRS 201.300.

~~(r)~~ (r) Any other offense that has an element involving a sexual act or sexual conduct with another.

~~(s)~~ (s) An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~(r)~~ (r), inclusive.

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

~~(u)~~ (u) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

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

~~(v)~~ (v) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, 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 paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

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

(3) A court having jurisdiction over juveniles.

2. ~~The~~ Except for the offenses described in paragraphs (n) and (o) of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) 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.

3. The term does not include an offense involving public urination or indecent exposure unless one of the purposes for which the offender committed the offense was the offender's sexual gratification.

Sec. 62.5. NRS 179D.115 is hereby amended to read as follows:

179D.115 "Tier II offender" means an offender convicted of a crime against a child punishable by imprisonment for more than 1 year or a sex offender, other than a Tier III offender, whose crime against a child is punishable by imprisonment for more than 1 year or whose sexual offense ~~+~~

~~1. If committed against a child,~~ constitutes:

~~(a)~~ 1. Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony and if the victim of the offense was 14 years of age or older when the offense was committed;

2. Incest pursuant to NRS 201.180, if the victim of the offense was 14 years of age or older but less than 18 years of age when the offense was committed;

3. Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony and if the victim of the offense was less than 18 years of age when the offense was committed;

4. Luring a child to engage in sexual conduct pursuant to NRS 201.560, if punishable as a felony ~~+~~

~~(b)~~ and if the victim of the offense was 14 years of age or older when the offense was committed;

5. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation ~~+~~

~~(c)~~ and if the victim of the offense was 14 years of age or older when the offense was committed;

6. An offense involving sex trafficking pursuant to NRS 201.300 or prostitution pursuant to NRS 201.320;

~~(d)~~ 7. An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive; ~~for~~

~~(e)~~ 8. Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(3);

~~(2. Involves an)~~

9. An attempt ~~for conspiracy~~ to commit any offense described in ~~subsection~~

~~+~~ 3. ~~If~~ subsections 1 to 8, inclusive;

10. A conspiracy to commit an offense described in subsection 6;

11. An offense committed in another jurisdiction ~~+~~ ~~is an offense~~ that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

(b) A court of the United States or the Armed Forces of the United States; or

~~(4. Is)~~

12. A sexual offense committed after the person becomes a Tier I offender if any of the person's sexual offenses constitute an offense punishable by imprisonment for more than 1 year.

Sec. 62.7. NRS 179D.117 is hereby amended to read as follows:

179D.117 "Tier III offender" means an offender convicted of a crime against a child or a sex offender who has been convicted of:

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

2. Sexual assault pursuant to NRS 200.366;

3. Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony and if the victim of the offense was less than 14 years of age when the offense was committed;

4. Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400;

~~4.4~~ 5. Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and if the victim of the offense was less than 13 years of age when the offense was committed;

~~5.4~~ 6. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, if the victim of the offense was less than 18 years of age when the offense was committed, unless the offender is the parent or guardian of the victim;

~~6.4~~ 7. Incest pursuant to NRS 201.180, if the victim of the offense was less than 14 years of age when the offense was committed;

8. Lewdness with a child pursuant to NRS 201.230;

9. Luring a child to engage in sexual conduct pursuant to NRS 201.560, if punishable as a felony and if the victim of the offense was less than 14 years of age when the offense was committed;

10. Any sexual offense or crime against a child after the person becomes a Tier II offender;

~~11.4~~ 11. Any other offense that is comparable to or more severe than the offenses described in 42 U.S.C. § 16911(4);

~~12.4~~ 12. An attempt ~~for conspiracy~~ to commit an offense described in subsections 1 to ~~17.4~~ 11, inclusive; ~~for~~

~~13.4~~ 13. A conspiracy to commit an offense described in subsection 1, 2, 4 or 6; or

14. An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subsection includes, without limitation, an offense prosecuted in:

(a) A tribal court; or

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

Sec. 63. (Deleted by amendment.)

Sec. 63.3. NRS 179D.443 is hereby amended to read as follows:

179D.443 1. When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

(a) The offender or sex offender shall provide the local law enforcement agency with the following:

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

(2) The social security number of the offender or sex offender;

(3) The address of any residence or location at which the offender or sex offender resides or will reside;

(4) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(5) The name and address of any place where the offender or sex offender is a student or will be a student;

(6) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(7) Any other information required by federal law.

(b) If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.09123, 176.0913 or 176.0916, the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917.

(c) The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(1) 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;

~~(2) The text of the provision of law defining each offense for which the offender or sex offender is required to register;~~

~~(3) The criminal history of the offender or sex offender, including, without limitation:~~

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

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

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

~~(IV) The existence of any outstanding arrest warrants for the offender or sex offender;~~

~~(4) Information indicating whether the DNA profile and DNA record of the offender or sex offender has been entered in CODIS;~~

~~(5) (3) 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; and~~

~~(6) (4) Any other information required by federal law.~~

2. As used in this section:

(a) "CODIS" has the meaning ascribed to it in NRS 176.09113.

(b) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(c) "DNA record" has the meaning ascribed to it in NRS 176.09116.

Sec. 63.7. NRS 179D.447 is hereby amended to read as follows:

179D.447 1. ~~1. An~~ *If an* offender convicted of a crime against a child or a sex offender convicted of a sexual offense ~~who~~ changes his or her name, residence, employment or student status *, if there is a change to the driver's license or identification card issued by this State or any other jurisdiction to an offender convicted of a crime against a child or a sex offender or if there is a change in the description of the motor vehicle registered to or frequently driven by an offender convicted of a crime against a child or a sex offender, the offender or sex offender* shall, not later than ~~{3 business days}~~ *48 hours* after such change : ~~{of name, residence, employment or student status:}~~

(a) Appear in person in at least one of the jurisdictions in which the offender or sex offender resides, is a student or worker; and

(b) Provide all information concerning such change to the appropriate local law enforcement agency.

2. The local law enforcement agency shall immediately provide the updated information provided by an offender or sex offender pursuant to subsection 1 to the

Central Repository and to all other jurisdictions in which the offender or sex offender is required to register.

Sec. 64. 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 78 of this act* that ~~the~~ juvenile has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to *sections 74 to 82, inclusive, of this act and* NRS 179D.010 to 179D.550, inclusive, *and section 61.7 of this act*, 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~~ *Except as otherwise provided in section 80.5 of this act*, 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

1 to another jurisdiction, or changes the primary address at which the offender or sex
2 offender is a student or worker; and

3 (VI) The duty to notify immediately the appropriate local law
4 enforcement agency if the offender or sex offender is, expects to be or becomes
5 enrolled as a student at an institution of higher education or changes the date of
6 commencement or termination of the offender or sex offender's enrollment at an
7 institution of higher education or if the offender or sex offender is, expects to be or
8 becomes a worker at an institution of higher education or changes the date of
9 commencement or termination of the offender or sex offender's work at an
10 institution of higher education; and

11 (2) Require the offender or sex offender to read and sign a form stating that
12 the requirements for registration have been explained and that the offender or sex
13 offender understands the requirements for registration, and to forward the form to
14 the Central Repository.

15 (b) The Central Repository shall:

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

17 (2) ~~Provide~~ *Except as otherwise provided in section 80.5 of this act,*
18 *provide* community notification concerning the offender or sex offender pursuant to
19 the provisions of NRS 179D.475; and

20 (3) Provide notification concerning the offender or sex offender to the
21 appropriate local law enforcement agencies and, if the offender or sex offender will
22 reside upon release in a jurisdiction which is outside of this State, to the appropriate
23 law enforcement agency in that jurisdiction.

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

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

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

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

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

36 **Sec. 65.** NRS 179D.460 is hereby amended to read as follows:

37 179D.460 1. In addition to any other registration that is required pursuant to
38 NRS 179D.450, each offender or sex offender who, after July 1, 1956, is or has
39 been convicted of a crime against a child or a sexual offense shall register with a
40 local law enforcement agency pursuant to the provisions of this section.

41 2. Except as otherwise provided in subsection 3, if the offender or sex
42 offender resides or is present for 48 hours or more within:

43 (a) A county; or

44 (b) An incorporated city that does not have a city police department,
45 ➤ the offender or sex offender shall be deemed a resident offender or sex offender
46 and shall register with the sheriff's office of the county or, if the county or the city
47 is within the jurisdiction of a metropolitan police department, the metropolitan
48 police department, not later than 48 hours after arriving or establishing a residence
49 within the county or the city.

50 3. If the offender or sex offender resides or is present for 48 hours or more
51 within an incorporated city that has a city police department, the offender or sex
52 offender shall be deemed a resident offender or sex offender and shall register with

1 the city police department not later than 48 hours after arriving or establishing a
2 residence within the city.

3 4. If the offender or sex offender is a nonresident offender or sex offender
4 who is a student or worker within this State, the offender or sex offender shall
5 register with the appropriate sheriff's office, metropolitan police department or city
6 police department in whose jurisdiction the offender or sex offender is a student or
7 worker not later than 48 hours after becoming a student or worker within this State.

8 5. A resident or nonresident offender or sex offender shall immediately notify
9 the appropriate local law enforcement agency if:

10 (a) The offender or sex offender is, expects to be or becomes enrolled as a
11 student at an institution of higher education or changes the date of commencement
12 or termination of the offender or sex offender's enrollment at an institution of
13 higher education; or

14 (b) The offender or sex offender is, expects to be or becomes a worker at an
15 institution of higher education or changes the date of commencement or termination
16 of the offender or sex offender's work at an institution of higher education.

17 ➤ The offender or sex offender shall provide the name, address and type of each
18 such institution of higher education.

19 6. To register with a local law enforcement agency pursuant to this section,
20 the offender or sex offender shall:

21 (a) Appear personally at the office of the appropriate local law enforcement
22 agency;

23 (b) Provide all information that is requested by the local law enforcement
24 agency, including, but not limited to, fingerprints, *palm prints* and a photograph;
25 and

26 (c) Sign and date the record of registration or some other proof of registration
27 of the local law enforcement agency in the presence of an officer of the local law
28 enforcement agency.

29 7. When an offender or sex offender registers, the local law enforcement
30 agency shall:

31 (a) Inform the offender or sex offender of the duty to notify the local law
32 enforcement agency if ~~that~~ :

33 (1) *The offender or sex offender changes the address at which the offender*
34 *or sex offender resides, including if the offender or sex offender moves from this*
35 *State to another jurisdiction, or changes the primary address at which the offender*
36 *or sex offender is a student or worker;*

37 (2) *There is a change to the driver's license or identification card issued*
38 *to the offender or sex offender by this State or any other jurisdiction; or*

39 (3) *There is a change in the description of the motor vehicle registered to*
40 *or frequently driven by the offender or sex offender; and*

41 (b) Inform the offender or sex offender of the duty to register with the local
42 law enforcement agency in whose jurisdiction the sex offender relocates.

43 8. After the offender or sex offender registers with the local law enforcement
44 agency, the local law enforcement agency shall forward to the Central Repository
45 the information collected, including the fingerprints, *palm prints* and a photograph
46 of the offender or sex offender.

47 9. If the Central Repository has not previously established a record of
48 registration for an offender or sex offender described in subsection 8, the Central
49 Repository shall:

50 (a) Establish a record of registration for the offender or sex offender;

51 (b) Provide notification concerning the offender or sex offender to the
52 appropriate local law enforcement agencies; and

(c) Provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

10. When an offender or sex offender notifies a local law enforcement agency that:

(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, and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 65.5. NRS 179D.470 is hereby amended to read as follows:

179D.470 1. If a sex offender changes the address at which he or she resides, including moving from this State to another jurisdiction, changes the primary address at which he or she is a student or worker, ~~and~~ remains in a jurisdiction longer than 30 days after initially reporting a stay of less than 30 days, *if there is a change to the driver's license or identification card issued to the sex offender by this State or any other jurisdiction or if there is a change in the description of a motor vehicle registered to or frequently driven by a sex offender*, the sex offender shall, not later than 48 hours after such a change in status, provide notice of the change in status, including, without limitation, the new address, in person, to the local law enforcement agency in whose jurisdiction the sex offender now resides and, in person or in writing, to the local law enforcement agency in whose jurisdiction the sex offender formerly resided and shall provide all other information that is relevant to updating the record of registration, including, but not limited to, any change in the sex offender's name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by the sex offender.

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

(a) If the sex offender has changed an address within this State, the Central Repository shall immediately provide notification concerning the sex offender to the local law enforcement agency in whose jurisdiction the sex offender is now residing or is a student or worker and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided or was a student or worker; or

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

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

1 **Sec. 66.** NRS 179D.480 is hereby amended to read as follows:

2 179D.480 1. Except as otherwise provided in subsection 3, an offender
3 convicted of a crime against a child or a sex offender shall appear in person in at
4 least one jurisdiction in which the offender or sex offender resides or is a student or
5 worker:

6 (a) ~~[Not] If the offender or sex offender is a Tier I offender, not~~ less
7 frequently than annually, on or before the anniversary of the date on which the
8 Central Repository established a record of registration for the offender or sex
9 offender ; ~~if the offender or sex offender is a Tier I offender;~~

10 (b) ~~[Not] If the offender or sex offender is a Tier II offender, on or before the~~
11 date which is 180 days after the date on which the Central Repository established
12 a record of registration for the offender or sex offender, and thereafter not less
13 frequently than ~~every~~ the end of each successive period of 180 days ; ~~on or~~
14 ~~before the anniversary of the date on which the Central Repository established a~~
15 ~~record of registration for the offender or sex offender, if the offender or sex~~
16 ~~offender is a Tier II offender;~~ or

17 (c) ~~[Not] If the offender or sex offender is a Tier III offender, on or before~~
18 the date which is 90 days after the date on which the Central Repository
19 established a record of registration for the offender or sex offender, and
20 thereafter not less frequently than ~~every~~ the end of each successive period of 90
21 days, ~~on or before the anniversary of the date on which the Central Repository~~
22 ~~established a record of registration for the offender or sex offender, if the~~
23 ~~offender or sex offender is a Tier III offender;~~

24 ➤ and shall allow the appropriate local law enforcement agency to collect a current
25 set of fingerprints and palm prints, a current photograph and all other information
26 that is relevant to updating the offender or sex offender's record of registration,
27 including, but not limited to, any change in the offender or sex offender's name,
28 occupation, employment, work, volunteer service or driver's license and any
29 change in the license number or description of a motor vehicle registered to or
30 frequently driven by the offender or sex offender.

31 2. If an offender or sex offender does not comply with the provisions of
32 subsection 1, the Central Repository shall:

33 (a) Immediately notify the appropriate local law enforcement agencies and the
34 Attorney General of the United States; and

35 (b) Update the record of registration for the sex offender to reflect the failure to
36 comply with the provisions of subsection 1.

37 3. An offender or sex offender is not required to comply with the provisions
38 of subsection 1 during any period in which the offender or sex offender is
39 incarcerated or confined.

40 **Sec. 67.** NRS 179D.490 is hereby amended to read as follows:

41 179D.490 1. An offender convicted of a crime against a child or a sex
42 offender shall comply with the provisions for registration for as long as the offender
43 or sex offender resides or is present within this State or is a nonresident offender or
44 sex offender who is a student or worker within this State, unless the period of time
45 during which the offender or sex offender has the duty to register is reduced
46 pursuant to the provisions of this section.

47 2. Except as otherwise provided in subsection 3 ~~and~~ and section 81 of this act,
48 the full period of registration is:

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

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

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

1 ↪ exclusive of any time during which the offender or sex offender is incarcerated
2 or confined.

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

4 (a) For an interval of at least 10 consecutive years, if the offender or sex
5 offender is a Tier I offender; or

6 (b) For an interval of at least 25 consecutive years, if the offender or sex
7 offender is a Tier III offender adjudicated delinquent for the offense which required
8 registration as an offender or sex offender,

9 ↪ during which the offender or sex offender is not convicted of an offense for
10 which imprisonment for more than 1 year may be imposed, is not convicted of a
11 sexual offense, *is not convicted of a violation of subsection 8 of NRS 213.1243,*
12 successfully completes any periods of supervised release, probation or parole, and
13 successfully completes a sex offender treatment program certified by the State or by
14 the Attorney General of the United States, the offender or sex offender may file a
15 petition to reduce the period of time during which the offender or sex offender has a
16 duty to register with the district court in whose jurisdiction the offender or sex
17 offender resides or, if he or she is a nonresident offender or sex offender, in whose
18 jurisdiction the offender or sex offender is a student or worker. For the purposes of
19 this subsection, registration begins on the date that the Central Repository or
20 appropriate agency of another jurisdiction establishes a record of registration for the
21 offender or sex offender or the date that the offender or sex offender is released,
22 whichever occurs later.

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

28 (a) If the offender or sex offender is a Tier I offender, reduce the period of time
29 during which the offender or sex offender is required to register by 5 years; and

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

35 5. An offender convicted of a crime against a child or a sex offender may
36 not file a petition to terminate his or her duty to register pursuant to this section if
37 the offender or sex offender:

38 (a) Is subject to lifetime supervision pursuant to NRS 176.0931;

39 (b) Has been declared to be a sexually violent predator; or

40 (c) Has been convicted of:

41 (1) One or more sexually violent offenses; or

42 (2) Two or more crimes against a child.

43 6. As used in this section:

44 (a) "Sexually violent offense" has the meaning ascribed to it in section 61.7
45 of this act.

46 (b) "Sexually violent predator" means:

47 (1) A person who:

48 (I) Has been convicted of a sexually violent offense;

49 (II) Suffers from a mental disorder or personality disorder; and

50 (III) Has been declared to be a sexually violent predator pursuant to
51 section 61.7 of this act.

52 (2) A person who has been declared to be a sexually violent predator
53 pursuant to the laws of another jurisdiction.

1 **Sec. 67.5. NRS 179D.495 is hereby amended to read as follows:**

2 179D.495 If a person who is required to register pursuant to NRS 179D.010
3 to 179D.550, inclusive, and section 61.7 of this act has been convicted of an
4 offense described in paragraph ~~(p)~~ (r) of subsection 1 of NRS 179D.097,
5 ~~paragraph (e) of subsection 1 or~~ subsection ~~14~~ 6 or 11 of NRS 179D.115 or
6 subsection ~~14~~ 11 or ~~14~~ 14 of NRS 179D.117, the Central Repository shall
7 determine whether the person is required to register as a Tier I offender, Tier II
8 offender or Tier III offender.

9 **Sec. 68. NRS 179D.550 is hereby amended to read as follows:**

10 179D.550 1. Except as otherwise provided in subsection 2, an offender or
11 sex offender who:

12 (a) Fails to register with a local law enforcement agency;

13 (b) Fails to notify the local law enforcement agency of a change of name,
14 residence, employment or student status, a change to the driver's license or
15 identification card issued to the offender or sex offender by this State or any
16 other jurisdiction or a change in the description of the motor vehicle registered to
17 or frequently driven by the offender or sex offender, as required pursuant to NRS
18 179D.447;

19 (c) Provides false or misleading information to the Central Repository or a
20 local law enforcement agency; or

21 (d) Otherwise violates the provisions of NRS 179D.010 to 179D.550,
22 inclusive, and section 61.7 of this act,

23 is guilty of a category D felony and shall be punished as provided in NRS
24 193.130.

25 2. An offender or sex offender who commits a second or subsequent violation
26 of subsection 1 within 7 years after the first violation is guilty of a category C
27 felony and shall be punished as provided in NRS 193.130. A court shall not grant
28 probation to or suspend the sentence of a person convicted pursuant to this
29 subsection.

30 3. If a local law enforcement agency is aware that an offender or sex offender
31 in its jurisdiction has failed to comply with a provision of NRS 179D.010 to
32 179D.550, inclusive, and section 61.7 of this act, the local law enforcement agency
33 must take any appropriate action to ensure compliance.

34 **Sec. 69.** (Deleted by amendment.)

35 **Sec. 70.** (Deleted by amendment.)

36 **Sec. 71.** NRS 62A.030 is hereby amended to read as follows:

37 62A.030 1. "Child" means:

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

39 (b) A person who is less than 21 years of age and subject to the jurisdiction of
40 the juvenile court for an unlawful act that was committed before the person reached
41 18 years of age; or

42 (c) A person who is otherwise subject to the jurisdiction of the juvenile court as
43 a juvenile sex offender pursuant to the provisions of ~~NRS 62F.200, 62F.220 and~~
44 ~~62F.260~~ sections 74 to 82, inclusive, of this act.

45 2. The term does not include:

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

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

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

Sec. 72. NRS 62B.410 is hereby amended to read as follows:

62B.410 Except as otherwise provided in NRS 62F.110 and ~~62F.220, sections 78 and 81 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. 73. Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 74 to 82, inclusive, of this act.

Sec. 74. *As used in sections 74 to 82, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 74.5 to 76, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 74.5. "Aggravated sexual offense" means:

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

2. An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is listed in NRS 179D.097;

3. An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violation pursuant to NRS 200.408, if the crime of violence is listed in NRS 179D.097;

4. An offense listed in NRS 179D.097, if the offense is subject to the additional penalty set forth in NRS 193.165;

5. An offense listed in NRS 179D.097, if the offense results in substantial bodily harm to the victim;

6. Any sexual offense if the juvenile has previously been adjudicated delinquent, or placed under the supervision of the juvenile court pursuant to NRS 62C.230, for a sexual offense; or

7. An attempt or conspiracy to commit an offense listed in this section.

Sec. 75. "Community notification" means notification of a community pursuant to the provisions of NRS 179D.475.

Sec. 75.5. "Community notification website" has the meaning ascribed to it in NRS 179B.023.

Sec. 76. 1. "Sexual offense" means:

~~1. (a)~~ Sexual assault pursuant to NRS 200.366;

~~2. (b)~~ An offense involving pornography and a minor pursuant to NRS 200.710 ~~for 200.720, to 200.730, inclusive;~~

~~3. (c)~~ Lewdness with a child pursuant to NRS 201.230;

~~4. (d)~~ An attempt or conspiracy to commit an offense listed in paragraph (a), (b) or (c) of subsection 1, 2 or 3, if punishable as a felony; ~~for~~

~~5. (e)~~ An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193; or

~~(f)~~ An aggravated sexual offense.

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

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) 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. 77. (Deleted by amendment.)

Sec. 77.5. 1. *Notwithstanding any other provision of law, a child who is adjudicated delinquent for an unlawful act that would have been a sexual offense*

1 if committed by an adult and who was 14 years of age or older at the time of the
2 commission of the unlawful act shall:

3 (a) Register initially, as required by NRS 179D.445, with the juvenile court,
4 the director of juvenile services or the Youth Parole Bureau in the jurisdiction in
5 which the child was adjudicated, as determined by the juvenile court; and

6 (b) Not later than 48 hours after a change of his or her name, residence or
7 employment or student status, the issuance of or a change to the driver's license
8 or identification card issued to the child by this State or any other jurisdiction or
9 a change in the description of the motor vehicle registered to or frequently driven
10 by the child, if any, update the juvenile court, the director of juvenile services or
11 the Youth Parole Bureau, as applicable, of such a change.

12 2. The juvenile court shall order the parent or guardian of a child who is
13 subject to the requirements of subsection 1 to:

14 (a) Ensure that while the child is subject to the jurisdiction of the juvenile
15 court, the child complies with the requirements of subsection 1; and

16 (b) If the child runs away or otherwise leaves the placement for the child
17 approved by the juvenile court, inform the juvenile court, the director of juvenile
18 services or the Youth Parole Bureau, as applicable, that the child has run away
19 or otherwise left the placement and, if appropriate, make a report to the local law
20 enforcement agency of the jurisdiction in which the child was placed.

21 3. The juvenile court, director of juvenile services or Youth Parole Bureau,
22 as applicable, shall immediately provide the information provided by a child or
23 the parent or guardian of a child pursuant to subsection 1 or 2 to the Central
24 Repository.

25 Sec. 78. 1. In addition to any other action authorized or required
26 pursuant to the provisions of this title, if a child is adjudicated delinquent for an
27 unlawful act that would have been a sexual offense if committed by an adult and
28 was 14 years of age or older at the time of the commission of the unlawful act, the
29 juvenile court shall:

30 (a) Notify the Central Repository of the adjudication so that the Central
31 Repository may carry out the provisions for registration and community
32 notification of the child pursuant to sections 74 to 82, inclusive, of this act and
33 NRS 179D.010 to 179D.550, inclusive ~~ff~~, and section 61.7 of this act; and

34 (b) Inform the child and the parent or guardian of the child that the child is
35 subject to registration and community notification pursuant to sections 74 to 82,
36 inclusive, of this act and NRS 179D.010 to 179D.570, inclusive ~~ff~~, and section
37 61.7 of this act.

38 2. The juvenile court may not terminate its jurisdiction over the child for
39 the purposes of carrying out the provisions of sections 74 to 82, inclusive, of this
40 act until the juvenile court, pursuant to section 81 of this act, has relieved the
41 child of being subject to the requirements for registration and community
42 notification pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7
43 of this act, or ordered that the child is subject to registration and community
44 notification pursuant to NRS 179D.010 to 179D.550, inclusive ~~ff~~, and section
45 61.7 of this act.

46 Sec. 79. (Deleted by amendment.)

47 Sec. 80. (Deleted by amendment.)

48 Sec. 80.5. 1. Notwithstanding any other provision of law and except as
49 otherwise provided in this subsection, upon a motion by a child, the juvenile court
50 may exempt the child from community notification or exclude the child from
51 placement on the community notification website, or both, if the juvenile court
52 finds by clear and convincing evidence that the child is not likely to pose a threat
53 to the safety of others. The juvenile court shall not exempt a child from

community notification or exclude the child from placement on the community notification website if the child is adjudicated delinquent for committing an aggravated sexual offense.

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

3. In determining at the hearing 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, without limitation, whether the act or acts were characterized by repetitive and compulsive behavior.

(b) The family controls in place over the child.

(c) The plan for providing counseling, therapy or treatment to the child.

(d) The history of the child with the juvenile court, including, without limitation, reports concerning any unlawful acts which the child has admitted committing, any acts for which the juvenile court placed the child under a supervision and consent decree pursuant to NRS 62C.230 and any prior adjudication of delinquency or need of supervision.

(e) The results of any psychological or psychiatric profiles of the child and whether those profiles indicate a risk of recidivism.

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

(g) The impact of the unlawful act on the victim and any statements made by the victim.

(h) The safety of the community and the need to protect the public.

(i) The impact that registration and community notification pursuant to sections 74 to 82, inclusive, of this act and NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act will have on the treatment of the child.

(j) Any other factor that the juvenile court finds relevant to the determination of whether the child is likely to pose a threat to the safety of others.

4. If the juvenile court exempts a child from community notification or excludes a child from placement on the community notification website, or both, the juvenile court shall notify the Central Repository so that Central Repository may carry out the determination of the juvenile court.

5. Upon good cause shown, the juvenile court may reconsider the granting or denial of a motion pursuant to this section, and reverse, modify or affirm its determination. In determining whether to reverse, modify or affirm its determination, the court:

(a) Shall consider:

(1) The factors set forth in subsection 3;

(2) The extent to which the child has received counseling, therapy or treatment and the response of the child to any such counseling, therapy or treatment; and

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

(b) Shall not exempt a child from community notification or exclude a child from placement on the community notification website unless the court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others.

Sec. 81. Except as otherwise provided in sections 74 to 82, inclusive, of this act:

1 1. If a child has been adjudicated delinquent for a sexual offense, the
2 juvenile court shall hold a hearing when the child reaches 21 years of age, or at a
3 time reasonably near the date on which the child reaches 21 years of age, to
4 determine whether the child should be subject to registration and community
5 notification pursuant to NRS 179D.010 to 179D.550, inclusive HH, and section
6 61.7 of this act.

7 2. At the hearing ~~held on a motion~~ pursuant to this section, the juvenile
8 court may consider any evidence, reports, statements or other material which the
9 juvenile court determines is relevant and helpful to determine whether to grant
10 the motion.

11 3. If the juvenile court finds by clear and convincing evidence at the
12 hearing that the child has been rehabilitated to the satisfaction of the juvenile
13 court and that the child is not likely to pose a threat to the safety of others, the
14 juvenile court may relieve the child of being subject to registration and
15 community notification pursuant to NRS 179D.010 to 179D.550, inclusive HH,
16 and section 61.7 of this act.

17 4. If the juvenile court does not find by clear and convincing evidence at the
18 hearing that the child has been rehabilitated to the satisfaction of the juvenile
19 court and that the child is not likely to pose a threat to the safety of others, the
20 juvenile court shall:

21 (a) Order that the child is subject to registration and community notification
22 pursuant to NRS 179D.010 to 179D.550, inclusive HH, and section 61.7 of this
23 act;

24 (b) Notify the Central Repository of the adjudication of the child and the
25 determination of the juvenile court that the child should be subject to registration
26 and community notification pursuant to NRS 179D.010 to 179D.550, inclusive,
27 and section 61.7 of this act so that the Central Repository may carry out the
28 provisions for registration and community notification pursuant to those
29 sections; and

30 (c) Inform the child that he or she is subject to registration and community
31 notification pursuant to NRS 179D.010 to 179D.550, inclusive HH, and section
32 61.7 of this act.

33 5. In determining at the hearing whether the child has been rehabilitated to
34 the satisfaction of the juvenile court or is likely to pose a threat to the safety of
35 others, the juvenile court shall consider the following factors:

36 (a) The number, date, nature and gravity of the act or acts committed by the
37 child, including, without limitation, whether the act or acts were characterized by
38 repetitive and compulsive behavior.

39 (b) The extent to which the child has received counseling, therapy or
40 treatment, and the response of the child to any such counseling, therapy or
41 treatment.

42 (c) Whether psychological or psychiatric profiles indicate a risk of
43 recidivism.

44 (d) The behavior of the child while subject to the jurisdiction of the juvenile
45 court, including, without limitation, the behavior of the child during any period
46 of confinement.

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

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

51 (g) The impact of the unlawful act on the victim and any statements made by
52 the victim.

53 (h) The safety of the community and the need to protect the public.

(i) Any other factor that the juvenile court finds relevant to the determination of 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.

6. The juvenile court shall file written findings of fact and conclusions of law setting for the basis and legal support for any decision pursuant to this section.

7. If, pursuant to this section, the juvenile court orders that a child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act, the jurisdiction of the juvenile court terminates, and the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, and section 61.7 of this act for the period specified in NRS 179D.490.

Sec. 81.5. 1. The juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to sections 80.5 and 81 of this act.

2. As used in this section, "master" has the meaning ascribed to it in Rule 53 of the Nevada Rules of Civil Procedure.

Sec. 82. 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 pursuant to NRS 179D.010 to 179D.550, inclusive, ~~and section 61.7 of this act.~~

Sec. 83. NRS 62H.110 is hereby amended to read as follows:

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

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

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

3. Records that are subject to the provisions of ~~NRS 62F.260;~~ section 82 of this act; or

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

Sec. 84. NRS 62H.120 is hereby amended to read as follows:

62H.120 Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, ~~NRS 62F.260;~~ section 82 of this act.

Sec. 84.3. NRS 213.1243 is hereby amended to read as follows:

213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and subsection 2 of NRS 213.110; and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to NRS 213.215.

3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS.

(c) The person keeps the parole and probation officer informed of his or her current address.

4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is ~~to Tier 2 offender,~~ convicted of a sexual offense against a child under the age of 14 years.

5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense ~~[listed in subsection 6 of NRS 213.1255]~~ against a child under the age of 14 years ~~[, the sex offender is a Tier 2 offender]~~ and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 4 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term

1 of not more than 6 years, and may be further punished by a fine of not more than
2 \$5,000.

3 9. The Board is not required to impose a condition pursuant to the program of
4 lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that
5 extraordinary circumstances are present and the Board states those extraordinary
6 circumstances in writing.

7 10. The Board shall require as a condition of lifetime supervision that the sex
8 offender not have contact or communicate with a victim of the sexual offense or a
9 witness who testified against the sex offender or solicit another person to engage in
10 such contact or communication on behalf of the sex offender, unless approved by
11 the Chief or his or her designee and a written agreement is entered into and signed.

12 11. If a court issues a warrant for arrest for a violation of this section, the
13 court shall cause to be transmitted, in the manner prescribed by the Central
14 Repository for Nevada Records of Criminal History, notice of the issuance of the
15 warrant for arrest in a manner which ensures that such notice is received by the
16 Central Repository within 3 business days.

17 12. ~~For~~ Except as otherwise provided in this subsection, for the purposes of
18 prosecution of a violation by a sex offender of a condition imposed upon him or her
19 pursuant to the program of lifetime supervision, the violation shall be deemed to
20 have occurred in, and may only be prosecuted in, the county in which the court that
21 imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located,
22 regardless of whether the acts or conduct constituting the violation took place, in
23 whole or in part, within or outside that county or within or outside this State. If a
24 sex offender is arrested in this State for a violation of a condition imposed upon
25 him or her pursuant to the program of lifetime supervision, the violation may be
26 deemed to have occurred in the county in which the offender is arrested and the
27 offender may be prosecuted in that county.

28 **Sec. 84.5. NRS 213.1245 is hereby amended to read as follows:**

29 213.1245 1. Except as otherwise provided in subsection 3, if the Board
30 releases on parole a prisoner convicted of an offense listed in NRS 179D.097, the
31 Board shall, in addition to any other condition of parole, require as a condition of
32 parole that the parolee:

33 (a) Reside at a location only if:

34 (1) The residence has been approved by the parole and probation officer
35 assigned to the parolee.

36 (2) If the residence is a facility that houses more than three persons who
37 have been released from prison, the facility is a facility for transitional living for
38 released offenders that is licensed pursuant to chapter 449 of NRS.

39 (3) The parolee keeps the parole and probation officer informed of his or
40 her current address.

41 (b) Accept a position of employment or a position as a volunteer only if it has
42 been approved by the parole and probation officer assigned to the parolee and keep
43 the parole and probation officer informed of the location of his or her position of
44 employment or position as a volunteer.

45 (c) Abide by any curfew imposed by the parole and probation officer assigned
46 to the parolee.

47 (d) Participate in and complete a program of professional counseling approved
48 by the Division.

49 (e) Submit to periodic tests, as requested by the parole and probation officer
50 assigned to the parolee, to determine whether the parolee is using a controlled
51 substance.

52 (f) Submit to periodic polygraph examinations, as requested by the parole and
53 probation officer assigned to the parolee.

(g) Abstain from consuming, possessing or having under his or her control any alcohol.

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the Chief or his or her designee and a written agreement is entered into and signed in the manner set forth in subsection 2.

(i) Not use aliases or fictitious names.

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee.

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.097 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact.

(l) Unless approved by the parole and probation officer assigned to the parolee and by a psychiatrist, psychologist or counselor treating the parolee, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this paragraph apply only to a parolee who ~~is a~~ Tier 2 offender, was convicted of a sexual offense against a child under the age of 14 years.

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee.

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee.

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee.

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his or her enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;

(b) The parolee;

(c) The parole and probation officer assigned to the parolee;

(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any;

(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child; and

(f) The Chief or his or her designee.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 84.7. NRS 213.1255 is hereby amended to read as follows:

213.1255 1. Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in ~~subsection 6~~ NRS 179D.097 against a child under the age of 14 years, ~~and who is a Tier 2 offender,~~ the Board shall require that the parolee:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

3. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

4. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. In addition to any conditions of parole required to be imposed pursuant to subsection 1 and NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years, the Board shall, when appropriate:

(a) Require the parolee to participate in psychological counseling.

(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present.

6. The provisions of ~~subsections 1 and~~ subsection 5 apply to a prisoner who was convicted of:

(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;

(b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;

(c) An offense punishable pursuant to subsection 2 of NRS 200.750;

- 1 (d) Lewdness with a child pursuant to NRS 201.230;
2 (e) Luring a child or a person with mental illness pursuant to NRS 201.560, if
3 punished as a felony; or
4 (f) Any combination of the crimes listed in this subsection.
5 **Sec. 85.** (Deleted by amendment.)
6 **Sec. 86.** (Deleted by amendment.)
7 **Sec. 87.** (Deleted by amendment.)
8 **Sec. 88.** (Deleted by amendment.)
9 **Sec. 89.** (Deleted by amendment.)
10 **Sec. 90.** (Deleted by amendment.)
11 **Sec. 91.** (Deleted by amendment.)
12 **Sec. 92.** (Deleted by amendment.)
13 **Sec. 93.** (Deleted by amendment.)
14 **Sec. 94.** (Deleted by amendment.)
15 **Sec. 95.** NRS 62F.200, 62F.220 and 62F.260 are hereby repealed.

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.