

SENATE BILL NO. 99—SENATOR SEGERBLOM

PREFILED JANUARY 30, 2015

JOINT SPONSOR: ASSEMBLYWOMAN FIORE

Referred to Committee on Judiciary

SUMMARY—Repeals provisions governing sex offenders which were originally enacted for purposes of the federal Adam Walsh Act. (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to crimes; repealing provisions governing sex offenders and offenders convicted of a crime against a child which were originally enacted for purposes of the federal Adam Walsh Act; revising provisions governing registration of and community notification concerning sex offenders and offenders convicted of a crime against a child; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

- 1 In 2006, Congress enacted the Adam Walsh Child Protection and Safety Act of
- 2 2006. The Act requires each state to enact certain laws regarding the registration of
- 3 and community notification concerning sex offenders and offenders convicted of a
- 4 crime against a child. (42 U.S.C. §§ 16901 et seq.) If a state fails to substantially
- 5 implement the Act, as determined by the United States Attorney General, the state
- 6 must receive a 10 percent reduction in the funds that would otherwise be allocated
- 7 to the state under the Edward Byrne Memorial Justice Assistance Grant Program.
- 8 (42 U.S.C. § 16925)
- 9 In 2007, the Nevada Legislature enacted Assembly Bill No. 579 (A.B. 579) to
- 10 implement the Adam Walsh Child Protection and Safety Act of 2006. Under A.B.
- 11 579, sex offenders and offenders convicted of a crime against a child are required to
- 12 register with certain law enforcement agencies and are subject to community
- 13 notification at a level that is based on the type of offense committed. This bill
- 14 repeals provisions enacted by A.B. 579 and replaces those provisions with the
- 15 provisions of state law that existed before the enactment of A.B. 579.



**Sections 20-42 and 61-68** of this bill reenact the provisions of state law governing the registration of sex offenders and offenders convicted of a crime against a child. **Sections 25, 26, 64 and 65** reenact provisions relating to the duty of a sex offender or an offender convicted of a crime against a child to register with certain law enforcement agencies. **Section 27** reenacts provisions relating to the duty of an offender convicted of a crime against a child to appear in person at a local law enforcement agency, to notify the appropriate agencies of any change in his or her address and to provide updated information to certain agencies. **Section 95** of this bill repeals the existing laws which require an offender to appear in person at a local law enforcement agency to register at least once every 90 days, every 180 days or every year, depending on the tier level assigned to the offender, and **sections 28 and 66** instead require that the offender mail a verification form to the Central Repository for Nevada Records of Criminal History each year to verify the information in his or her registration record. Under existing law, the period for which registration is required is 15 years for a Tier I offender, 25 years for a Tier II offender and the life of the offender for a Tier III offender, except that after a certain period and satisfying certain conditions, a Tier I offender or an offender who is a Tier III offender because of an adjudication of delinquency as a juvenile may petition a court to reduce the period of time for which registration is required. (NRS 179D.490) **Sections 29 and 67** replace those provisions with a provision that authorizes certain offenders to petition a court to terminate the duty to register after a period of 15 years.

Under A.B. 579, sex offenders and offenders convicted of a crime against a child are subject to community notification and the tier level of community notification is based on the type of offense committed by a sex offender or offender convicted of a crime against a child. **Sections 43-59** of this bill reenact the provisions relating to the community notification of sex offenders which were in effect before the enactment of A.B. 579 and which required a sex offender to be designated as a Tier I, Tier II or Tier III offender based upon an assessment of the sex offender's risk of recidivism, with Tier I sex offenders being the least likely to reoffend and Tier III sex offenders being the most likely to reoffend. Under **sections 52 and 53**, the assessment must be conducted in compliance with guidelines and procedures for community notification established by the Attorney General. **Section 55** requires a sex offender to be given notice of the level of notification assigned to the offender, whether Tier II or Tier III, and the procedures for requesting reconsideration of his or her level of notification. **Section 56** provides for a change in the level of notification under certain circumstances. **Section 57** provides that if a sex offender is not convicted of a crime which poses a threat to the safety or well-being of others for a period of 10 consecutive years, the sex offender may petition the Attorney General for a reassessment of his or her risk of recidivism and a reduction of his or her level of notification or, if the sex offender is a Tier I offender, termination of the requirement of community notification.

Under A.B. 579, a child who is 14 years of age or older and who is adjudicated delinquent for committing certain sexual offenses is required to register as a sex offender in the same manner as an adult and is subject to community notification. (NRS 62F.220) **Sections 74-82** of this bill reenact provisions governing juvenile sex offenders which were in effect before the enactment of A.B. 579. Under **section 78**, the juvenile court is required to notify the Attorney General when a child is adjudicated delinquent for certain sexual offenses or a sexually motivated act so that an assessment may be conducted of the risk of recidivism of the child pursuant to guidelines and procedures established by the Attorney General pursuant to **section 59**. **Section 78** further requires the child to remain under the supervision of a probation or parole officer for at least 3 years and requires the child or a parent or guardian of the child to inform the officer assigned to the child within 48 hours if



the child changes his or her residence. **Section 79** requires the probation or parole officer assigned to a juvenile sex offender to provide notification concerning the juvenile sex offender to certain law enforcement agencies.

**Section 80** allows a juvenile court to hold a hearing at any appropriate time to determine whether to relieve a child who has been adjudicated delinquent for certain sexual offenses or a sexually motivated act from community notification as a juvenile sex offender. Under **section 81**, if the juvenile court has not previously relieved a child from community notification as a juvenile sex offender, the juvenile court must conduct a hearing when the child reaches 21 years of age. If the juvenile court finds that the child has been rehabilitated and does not pose a threat to the safety of others, the juvenile court must relieve the child from the requirement for community notification. However, if the juvenile court determines that the child has not been rehabilitated or poses a threat to the safety of others, the juvenile court may deem the child an adult sex offender subject to registration and community notification in the manner provided for adult sex offenders.

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

**Section 1.** NRS 171.1228 is hereby amended to read as follows:

171.1228 1. A law enforcement officer, prosecutor or other employee of a governmental entity shall not, as a condition of investigating an alleged sexual offense, request or require a victim of the alleged sexual offense to take or submit to a polygraphic examination or other similar examination that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of a person.

2. As used in this section, "sexual offense" has the meaning ascribed to it in ~~NRS 179D.097~~ *section 38 of this act*.

**Sec. 2.** NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4:

(a) The name, social security number, date of birth, fingerprints and any other information identifying the defendant must be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) Unless a biological specimen was previously obtained upon arrest pursuant to NRS 176.09123, a biological specimen must be obtained from the defendant pursuant to the provisions of this section and the specimen must be used for a genetic marker analysis. If a biological specimen was previously obtained upon arrest pursuant to NRS 176.09123, the court shall notify the Central Repository for Nevada Records of Criminal History, who in turn shall notify the appropriate forensic laboratory.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall



1 arrange for the biological specimen to be obtained from  
2 the defendant. The Department of Corrections shall provide the  
3 specimen to the forensic laboratory that has been designated by the  
4 county in which the defendant was convicted to conduct or oversee  
5 genetic marker analysis for the county pursuant to NRS 176.0917.

6 3. If the defendant is not committed to the custody of  
7 the Department of Corrections, the Division shall arrange for the  
8 biological specimen to be obtained from the defendant. The  
9 Division shall provide the specimen to the forensic laboratory that  
10 has been designated by the county in which the defendant was  
11 convicted to conduct or oversee genetic marker analysis for the  
12 county pursuant to NRS 176.0917. Any cost that is incurred to  
13 obtain a biological specimen from a defendant pursuant to this  
14 subsection is a charge against the county in which the defendant was  
15 convicted and must be paid as provided in NRS 176.0915.

16 4. Except as otherwise provided in subsection 5, the provisions  
17 of subsection 1 apply to a defendant who is convicted of:

18 (a) A felony;

19 (b) A crime against a child as defined in ~~NRS 179D.0357;~~  
20 *section 21 of this act;*

21 (c) A sexual offense as defined in ~~NRS 179D.097;~~ *section 38*  
22 *of this act;*

23 (d) Abuse or neglect of an older person or a vulnerable person  
24 pursuant to NRS 200.5099;

25 (e) A second or subsequent offense for stalking pursuant to  
26 NRS 200.575;

27 (f) An attempt or conspiracy to commit an offense listed in  
28 paragraphs (a) to (e), inclusive;

29 (g) Failing to register with a local law enforcement agency as a  
30 convicted person as required pursuant to NRS 179C.100, if the  
31 defendant previously was:

32 (1) Convicted in this State of committing an offense listed in  
33 paragraph (a), (d), (e) or (f); or

34 (2) Convicted in another jurisdiction of committing an  
35 offense that would constitute an offense listed in paragraph (a), (d),  
36 (e) or (f) if committed in this State;

37 (h) Failing to register with a local law enforcement agency after  
38 being convicted of a crime against a child as required pursuant to  
39 ~~NRS 179D.450;~~ *section 25 of this act;* or

40 (i) Failing to register with a local law enforcement agency after  
41 being convicted of a sexual offense as required pursuant to  
42 NRS 179D.450.

43 5. If it is determined that a defendant's biological specimen has  
44 previously been submitted for conviction of a prior offense, an  
45 additional sample is not required.



6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the DNA profile, the DNA record and any other information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, the DNA profile, the DNA record or other information identifying or matching a biological specimen with a person, except pursuant to:

- (a) A court order; or
- (b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

**Sec. 3.** NRS 176.09173 is hereby amended to read as follows:

176.09173 1. A forensic laboratory shall:

(a) Prescribe protocols and procedures for the collection, submission, identification, genetic marker analysis, storage, maintenance, uploading and disposition of biological specimens, DNA profiles and DNA records.

(b) Securely upload DNA records to the State DNA Database.

(c) Acquire and maintain computer hardware and software necessary to store, maintain and upload DNA profiles and DNA records relating to:

- (1) Crime scene evidence and forensic casework;
- (2) Persons arrested for a felony and persons convicted of an offense listed in subsection 4 of NRS 176.0913 who are required to provide a biological specimen;
- (3) Persons required to register as sex offenders pursuant to NRS ~~179D.445, 179D.460 or 179D.480;~~ *179D.450 to 179D.550, inclusive, and sections 31 to 42, inclusive, of this act;*
- (4) Unidentified persons or body parts;
- (5) Missing persons;
- (6) Relatives of missing persons;
- (7) Anonymous DNA profiles used for forensic validation, forensic protocol development, quality control purposes or establishment of a population statistics database for use by criminal justice agencies; and

(8) Voluntarily submitted DNA profiles.

2. A forensic laboratory may:

(a) Use all or part of the remainder of any biological specimen stored in the forensic laboratory for:

- (1) Retesting to confirm or update the original genetic marker analysis; or



(2) Quality control testing of new forensic methods for genetic marker analysis, provided that no personal identifying information is included.

(b) Contract with providers of services to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory. Any provider of services who contracts with a forensic laboratory to perform a genetic marker analysis or to carry out functions on behalf of the forensic laboratory is subject to the same restrictions and requirements as the forensic laboratory.

3. A forensic laboratory shall not use any biological specimen, DNA profile or DNA record for the purpose of identification of any medical or genetic disorder.

**Sec. 4.** NRS 176.0923 is hereby amended to read as follows:

176.0923 "Crime against a child" has the meaning ascribed to it in ~~NRS-179D.0357~~ *section 21 of this act.*

**Sec. 5.** NRS 176.0925 is hereby amended to read as follows:

176.0925 "Sexual offense" has the meaning ascribed to it in ~~NRS-179D.097~~ *section 38 of this act.*

**Sec. 6.** NRS 176.0926 is hereby amended to read as follows:

176.0926 1. If a defendant is convicted of a crime against a child, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to ~~NRS-179D.450~~ *section 25 of this act.*

(b) Inform the defendant of the requirements for registration, including, but not limited to:

(1) ~~The duty to register initially pursuant to NRS-179D.445;~~

~~(2)~~ (2) The duty to register in this State during any period in which the defendant is a resident of this State or a nonresident who is a student or worker within this State and the time within which the defendant is required to register pursuant to ~~NRS-179D.450~~ *section 26 of this act;*

~~(3)~~ (2) The duty to register in any other jurisdiction, including, without limitation, any jurisdiction outside the United States, during any period in which the defendant is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

~~(4)~~ (3) If the defendant moves from this State to another jurisdiction, including, without limitation, any jurisdiction outside the United States, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

~~(5)~~ (4) The duty to notify the local law enforcement agency in whose jurisdiction the defendant formerly resided, in person or in writing, if the defendant changes the address at which



1 the defendant resides, including if the defendant moves from this  
2 State to another jurisdiction, including, without limitation, any  
3 jurisdiction outside the United States, or changes the primary  
4 address at which the defendant is a student or worker; and

5 ~~†(6)†~~ (5) The duty to notify immediately the appropriate  
6 local law enforcement agency if the defendant is, expects to be or  
7 becomes enrolled as a student at an institution of higher education or  
8 changes the date of commencement or termination of enrollment at  
9 an institution of higher education or if the defendant is, expects to be  
10 or becomes a worker at an institution of higher education or changes  
11 the date of commencement or termination of the defendant's work at  
12 an institution of higher education.

13 (c) Require the defendant to read and sign a form stating that the  
14 requirements for registration have been explained and that the  
15 defendant understands the requirements for registration.

16 2. The failure to provide the defendant with the information or  
17 confirmation form required by paragraphs (b) and (c) of subsection  
18 1 does not affect the duty of the defendant to register and to comply  
19 with all other provisions for registration pursuant to ~~NRS 179D.010~~  
20 ~~to 179D.550, inclusive.†~~ *sections 20 to 30, inclusive, of this act.*

21 **Sec. 7.** NRS 176.0927 is hereby amended to read as follows:

22 176.0927 1. If a defendant is convicted of a sexual offense,  
23 the court shall, following the imposition of a sentence:

24 (a) Notify the Central Repository of the conviction of the  
25 defendant, so the Central Repository may carry out the provisions  
26 for registration of the defendant pursuant to NRS 179D.450.

27 (b) Inform the defendant of the requirements for registration,  
28 including, without limitation:

29 (1) ~~†The duty to register initially pursuant to NRS 179D.445;~~

30 ~~—(2)†~~ The duty to register in this State during any period in  
31 which the defendant is a resident of this State or a nonresident who  
32 is a student or worker within this State and the time within which  
33 the defendant is required to register pursuant to NRS 179D.460;

34 ~~†(3)†~~ (2) The duty to register in any other jurisdiction during  
35 any period in which the defendant is a resident of the other  
36 jurisdiction or a nonresident who is a student or worker within the  
37 other jurisdiction;

38 ~~†(4)†~~ (3) If the defendant moves from this State to another  
39 jurisdiction, the duty to register with the appropriate law  
40 enforcement agency in the other jurisdiction;

41 ~~†(5)†~~ (4) The duty to notify the local law enforcement  
42 agency in whose jurisdiction the defendant formerly resided, in  
43 person or in writing, if the defendant changes the address at which  
44 the defendant resides, including if the defendant moves from this



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

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

11 (c) Require the defendant to read and sign a form stating that the  
12 requirements for registration have been explained and that the  
13 defendant understands the requirements for registration.

14 2. The failure to provide the defendant with the information or  
15 confirmation form required by paragraphs (b) and (c) of subsection  
16 1 does not affect the duty of the defendant to register and to comply  
17 with all other provisions for registration pursuant to NRS  
18 ~~179D.010~~ 179D.450 to 179D.550, inclusive ~~+~~, and sections 31 to  
19 42, inclusive, of this act.

20 **Sec. 8.** NRS 176.0931 is hereby amended to read as follows:

21 176.0931 1. If a defendant is convicted of a sexual offense,  
22 the court shall include in sentencing, in addition to any other  
23 penalties provided by law, a special sentence of lifetime supervision.

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

27 3. A person sentenced to lifetime supervision may petition the  
28 sentencing court or the State Board of Parole Commissioners for  
29 release from lifetime supervision. The sentencing court or the Board  
30 shall grant a petition for release from a special sentence of lifetime  
31 supervision if:

32 (a) The person has complied with the requirements of the  
33 provisions of NRS ~~179D.010~~ 179D.450 to 179D.550, inclusive ~~+~~  
34 , and sections 31 to 42, inclusive, of this act;

35 (b) The person has not been convicted of an offense that poses a  
36 threat to the safety or well-being of others for an interval of at least  
37 10 consecutive years after the person's last conviction or release  
38 from incarceration, whichever occurs later; and

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

43 4. A person who is released from lifetime supervision pursuant  
44 to the provisions of subsection 3 remains subject to the provisions  
45 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,~~ *179D.450 to 179D.570*, inclusive ~~179D.450 to 179D.570,~~ *and sections 31 to 59, inclusive, of this act.*

5. 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) Any offense listed in subparagraph (1) 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.]~~ *has the meaning ascribed to it in section 19 of this act.*

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

(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. 9.** 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 *assigned* a Tier III ~~offender~~ *level of notification as defined in section 50 of this act.*

(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 an offense listed in subsection 6 of NRS 213.1255



\* S B 9 9 \*

1 against a child under the age of 14 years, the defendant is *assigned* a  
2 Tier III ~~offender~~ *level of notification, as defined in section 50 of*  
3 *this act*, and the court grants probation or suspends the sentence of  
4 the defendant, the court shall, in addition to any other condition  
5 ordered pursuant to subsection 1, order as a condition of probation  
6 or suspension of sentence that the defendant:

7 (a) Reside at a location only if the residence is not located  
8 within 1,000 feet of any place, or if the place is a structure, within  
9 1,000 feet of the actual structure, that is designed primarily for use  
10 by or for children, including, without limitation, a public or private  
11 school, a school bus stop, a center or facility that provides day care  
12 services, a video arcade, an amusement park, a playground, a park,  
13 an athletic field or a facility for youth sports, or a motion picture  
14 theater.

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

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

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

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

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

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

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

41 5. A written agreement entered into pursuant to paragraph (i) of  
42 subsection 1 must state that the contact or communication is in the  
43 best interest of the victim or witness, and specify the type of contact  
44 or communication authorized. The written agreement must be  
45 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~~ *section 38 of this act*.

**Sec. 10.** NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(f) Any other misdemeanor after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and



(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➔ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and Information and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of:



\* S B 9 9 \*

- 1 (a) A crime against a child;
- 2 (b) A sexual offense;
- 3 (c) A violation of NRS 484C.110 or 484C.120 that is punishable
- 4 as a felony pursuant to paragraph (c) of subsection 1 of
- 5 NRS 484C.400;
- 6 (d) A violation of NRS 484C.430;
- 7 (e) A homicide resulting from driving or being in actual physical
- 8 control of a vehicle while under the influence of intoxicating liquor
- 9 or a controlled substance or resulting from any other conduct
- 10 prohibited by NRS 484C.110, 484C.130 or 484C.430;
- 11 (f) A violation of NRS 488.410 that is punishable as a felony
- 12 pursuant to NRS 488.427; or
- 13 (g) A violation of NRS 488.420 or 488.425.
- 14 6. If the court grants a petition for the sealing of records
- 15 pursuant to this section, upon the request of the person whose
- 16 records are sealed, the court may order sealed all records of the civil
- 17 proceeding in which the records were sealed.
- 18 7. As used in this section:
- 19 (a) "Crime against a child" has the meaning ascribed to it in
- 20 ~~NRS 179D.0357~~ *section 21 of this act.*
- 21 (b) "Sexual offense" means:
- 22 (1) Murder of the first degree committed in the perpetration
- 23 or attempted perpetration of sexual assault or of sexual abuse or
- 24 sexual molestation of a child less than 14 years of age pursuant to
- 25 paragraph (b) of subsection 1 of NRS 200.030.
- 26 (2) Sexual assault pursuant to NRS 200.366.
- 27 (3) Statutory sexual seduction pursuant to NRS 200.368, if
- 28 punishable as a felony.
- 29 (4) Battery with intent to commit sexual assault pursuant to
- 30 NRS 200.400.
- 31 (5) An offense involving the administration of a drug to
- 32 another person with the intent to enable or assist the commission of
- 33 a felony pursuant to NRS 200.405, if the felony is an offense listed
- 34 in this paragraph.
- 35 (6) An offense involving the administration of a controlled
- 36 substance to another person with the intent to enable or assist the
- 37 commission of a crime of violence pursuant to NRS 200.408, if the
- 38 crime of violence is an offense listed in this paragraph.
- 39 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
- 40 involved sexual abuse or sexual exploitation.
- 41 (8) An offense involving pornography and a minor pursuant
- 42 to NRS 200.710 to 200.730, inclusive.
- 43 (9) Incest pursuant to NRS 201.180.
- 44 (10) Open or gross lewdness pursuant to NRS 201.210, if
- 45 punishable as a felony.



(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

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

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

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

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

**Sec. 11.** NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3 and 4, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

5. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in ~~NRS 179D.0357~~ **section 21 of this act.**

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry to which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:





(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph (b) of subsection 7 of NRS 179.245.

**Sec. 12.** NRS 179A.066 is hereby amended to read as follows:

179A.066 "Offender convicted of a crime against a child" has the meaning ascribed to it in ~~NRS 179D.0559.~~ *section 23 of this act.*

**Sec. 13.** NRS 179B.030 is hereby amended to read as follows:

179B.030 "Crime against a child" has the meaning ascribed to it in ~~NRS 179D.0357.~~ *section 21 of this act.*

**Sec. 14.** NRS 179B.075 is hereby amended to read as follows:

179B.075 "Offender convicted of a crime against a child" has the meaning ascribed to it in ~~NRS 179D.0559.~~ *section 23 of this act.*

**Sec. 15.** NRS 179B.250 is hereby amended to read as follows:

179B.250 1. The Department shall establish and maintain within the Central Repository a community notification website to provide the public with access to certain information contained in the statewide registry in accordance with the procedures set forth in this section.

2. The community notification website is the source of record for information available to the public concerning offenders listed in the statewide registry. ~~It and must:~~

~~—(a) Be maintained in a manner that will allow the public to obtain relevant information for each offender by a single query for any given zip code or geographical radius set by the user;~~

~~—(b) Include in its design all the search field capabilities needed for full participation in the Dru Sjodin National Sex Offender Public Website maintained by the Attorney General of the United States pursuant to 42 U.S.C. § 16920;~~

~~—(c) Include, to the extent practicable, links to sex offender safety and education resources;~~

~~—(d) Include instructions on how to seek correction of information that a person contends is erroneous; and~~

~~—(e) Include a warning that the information on the website should not be used to unlawfully injure, harass or commit a crime against any person named in the registry or residing or working at any reported address and a notice that any such action could result in civil or criminal penalties.]~~



3. For each inquiry to the community notification website, the requester may provide:

- (a) The name of the subject of the search;
- (b) Any alias of the subject of the search;
- (c) The zip code of the residence, place of work or school of the subject of the search; or
- (d) Any other information concerning the identity or location of the subject of the search that is deemed sufficient in the discretion of the Department.

4. For each inquiry to the community notification website made by the requester, the Central Repository shall:

- (a) Explain the levels of ~~registration and community~~ notification that are assigned to sex offenders pursuant to ~~NRS 179D.010 to 179D.550, inclusive;~~ *section 54 of this act*; and
- (b) Explain that the Central Repository is prohibited by law from disclosing certain information concerning certain offenders, even if those offenders are listed in the statewide registry.

5. If an offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search, the Central Repository ~~shall~~:

- (a) *Shall* disclose to the requester information in the statewide registry concerning ~~the offender as provided pursuant to subsection 6-~~

~~—6—~~ *an offender who is assigned a Tier II or Tier III level of notification.*

(b) *Shall not disclose to the requester information concerning an offender who is assigned a Tier I level of notification.*

6. After each inquiry to the community notification website made by the requester, the Central Repository shall inform the requester that:

(a) No offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search;

(b) The search of the statewide registry has not produced information that is available to the public through the statewide registry; ~~or~~

(c) *The requester needs to provide additional information concerning the identity or location of the subject of the search before the Central Repository may disclose the results of the search; or*

(d) An offender listed in the statewide registry matches the information provided by the requester concerning the identity or location of the subject of the search. Except as otherwise provided in *paragraph (b) of subsection 5,* if a search of the statewide



registry results in a match pursuant to this paragraph, the Central Repository shall provide the requester with the following information:

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

(2) A complete physical description of the offender.

(3) A current photograph of the offender.

(4) The year of birth of the offender.

(5) The complete address of any residence at which the offender resides. ~~for will reside.~~

(6) The ~~address~~ *number of the street block, but not the specific street number*, of any location where the offender is ~~for will be.~~ *currently:*

(I) A student, as defined in NRS 179D.110; or

(II) A worker, as defined in NRS 179D.120.

(7) ~~The license plate number and a description of any motor vehicle owned or operated by the offender.~~

~~(8)~~ The following information for each offense for which the offender has been convicted:

(I) The offense that was committed, including a citation to ~~and the text of~~ the specific statute that the offender violated.

(II) The court in which the offender was convicted.

(III) The name under which the offender was convicted.

(IV) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender was committed for the offense.

(V) The city, township or county where the offense was committed.

~~(9)~~ (8) The tier level of ~~registration and community~~ notification assigned to the offender. ~~pursuant to NRS 179D.010 to 179D.550, inclusive.~~

~~(10) Any other information required by federal law.~~

7. If a search of the statewide registry results in a match pursuant to paragraph ~~(e)~~ (d) of subsection 6, the Central Repository shall not provide the requester with ~~:~~

~~(a) The identity of any victim of a sexual offense or crime against a child;~~

~~(b) Any information relating to a Tier I offender unless the offender has been convicted of a sexual offense against a child or a crime against a child;~~

~~(c) The social security number of the offender;~~

~~(d) The name of any location where the offender is or will be;~~

~~(1) A student, as defined in NRS 179D.110; or~~

~~(2) A worker, as defined in NRS 179D.120;~~



~~(e) Any reference to arrests of the offender that did not result in conviction;~~

~~(f) Any other~~ **any** information that is included in the record of registration for the offender other than the information required pursuant to paragraph ~~((e)) (d)~~ of subsection 6 . ~~† or~~

~~(g) Any other information exempted from disclosure by the Attorney General of the United States pursuant to federal law.†~~

8. A person may not use information obtained through the community notification website as a substitute for information relating to the offenses listed in subsection 4 of NRS 179A.190 that must be provided by the Central Repository pursuant to NRS 179A.180 to 179A.240, inclusive, or another provision of law.

9. The provisions of this section do not prevent law enforcement officers, the Central Repository and its officers and employees, or any other person from:

(a) Accessing information in the statewide registry pursuant to NRS 179B.200;

(b) Carrying out any duty pursuant to chapter 179D of NRS; or

(c) Carrying out any duty pursuant to another provision of law.

10. As used in this section ~~††~~ :

**(a) “Tier I ~~†offender†~~ level of notification”** has the meaning ascribed to it in ~~†NRS 179D.113.†~~ **section 48 of this act.**

**(b) “Tier II level of notification”** has the meaning ascribed to it in **section 49 of this act.**

**(c) “Tier III level of notification”** has the meaning ascribed to it in **section 50 of this act.**

**Sec. 16.** NRS 179C.010 is hereby amended to read as follows:

179C.010 1. Except as otherwise provided in subsection 2, as used in this chapter, unless the context otherwise requires, “convicted person” means:

(a) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of two or more offenses punishable as felonies.

(b) A person convicted in the State of Nevada of an offense punishable as a category A felony.

(c) A person convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a category A felony if committed in this State on or after July 1, 2003.

2. For the purposes of this chapter, “convicted person” does not include:

(a) A person who has been convicted of a crime against a child, as defined in ~~†NRS 179D.0357.†~~ **section 21 of this act**, or a sexual offense, as defined in ~~†NRS 179D.097.†~~ **section 38 of this act**; or



(b) Except as otherwise provided in this chapter, a person whose conviction is or has been set aside in the manner provided by law.

**Sec. 17.** Chapter 179D of NRS is hereby amended by adding thereto the provisions set forth as sections 18 to 59, inclusive, of this act.

**Sec. 18.** *“Nonconsensual” means against the victim’s will or under conditions in which a person knows or reasonably should know that the victim is mentally or physically incapable of resisting, consenting or understanding the nature of the person’s conduct.*

**Sec. 19. 1.** *“Offense that poses a threat to the safety or well-being of others” includes, without limitation, an offense that involves:*

- (a) A victim less than 18 years of age;*
- (b) A crime against a child as defined in section 21 of this act;*
- (c) A sexual offense as defined in section 38 of this act;*
- (d) A deadly weapon, explosives or a firearm;*
- (e) The use or threatened use of force or violence;*
- (f) Physical or mental abuse;*
- (g) Death or bodily injury;*
- (h) An act of domestic violence;*
- (i) Harassment, stalking, threats of any kind or other similar acts;*
- (j) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or*
- (k) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.*

**2.** *The term includes any offense listed in subsection 1 that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:*

- (a) A tribal court.*
- (b) A court of the United States or the Armed Forces of the United States.*

**Sec. 20.** *As used in sections 20 to 30, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 21 to 24, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 21.** *“Crime against a child” means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:*

**1.** *Kidnapping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent or guardian of the victim.*

**2.** *False imprisonment pursuant to NRS 200.460, unless the offender is the parent or guardian of the victim.*



1       3. *Involuntary servitude of a minor pursuant to NRS*  
2 *200.4631, unless the offender is the parent or guardian of the*  
3 *victim.*

4       4. *An offense involving sex trafficking pursuant to NRS*  
5 *201.300 or prostitution pursuant to NRS 201.320.*

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

7       6. *An offense committed in another jurisdiction that, if*  
8 *committed in this State, would be an offense listed in this section.*  
9 *This subsection includes, without limitation, an offense prosecuted*  
10 *in:*

11       (a) *A tribal court.*

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

14       7. *An offense against a child committed in another*  
15 *jurisdiction, whether or not the offense would be an offense listed*  
16 *in this section, if the person who committed the offense resides or*  
17 *has resided or is or has been a student or worker in any*  
18 *jurisdiction in which the person is or has been required by the*  
19 *laws of that jurisdiction to register as an offender who has*  
20 *committed a crime against a child because of the offense. This*  
21 *subsection includes, without limitation, an offense prosecuted in:*

22       (a) *A tribal court.*

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

25       (c) *A court having jurisdiction over juveniles.*

26       Sec. 22. *“Nonresident offender who is a student or worker*  
27 *within this State” and “nonresident offender” mean an offender*  
28 *convicted of a crime against a child who is a student or worker*  
29 *within this State but who is not otherwise deemed a resident*  
30 *offender pursuant to subsection 2 or 3 of section 26 of this act.*

31       Sec. 23. 1. *“Offender convicted of a crime against a child”*  
32 *and “offender” mean a person who, after July 1, 1956, is or has*  
33 *been:*

34       (a) *Convicted of a crime against a child that is listed in section*  
35 *21 of this act; or*

36       (b) *Adjudicated delinquent or found guilty by a court having*  
37 *jurisdiction over juveniles of a crime against a child that is listed*  
38 *in subsection 7 of section 21 of this act.*

39       2. *The term includes, without limitation, a nonresident*  
40 *offender who is a student or worker within this State.*

41       Sec. 24. *“Registration” means registration as an offender*  
42 *convicted of a crime against a child pursuant to sections 20 to 30,*  
43 *inclusive, of this act.*



1        **Sec. 25. 1. If the Central Repository receives notice from a**  
2 **court pursuant to NRS 176.0926 that an offender has been**  
3 **convicted of a crime against a child, the Central Repository shall:**

4        (a) **If a record of registration has not previously been**  
5 **established for the offender, notify the local law enforcement**  
6 **agency so that a record of registration may be established; or**

7        (b) **If a record of registration has previously been established**  
8 **for the offender, update the record of registration for the offender**  
9 **and notify the appropriate law enforcement agencies.**

10       2. **If the offender named in the notice is granted probation or**  
11 **otherwise will not be incarcerated or confined, the Central**  
12 **Repository shall immediately provide notification concerning the**  
13 **offender to the appropriate law enforcement agencies and, if the**  
14 **offender resides in a jurisdiction which is outside this State, to**  
15 **the appropriate law enforcement agency in that jurisdiction.**

16       3. **If an offender is incarcerated or confined and has**  
17 **previously been convicted of a crime against a child, before the**  
18 **offender is released:**

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

22       (1) **Inform the offender of the requirements for**  
23 **registration, including, without limitation:**

24       (I) **The duty to register in this State during any period in**  
25 **which he or she is a resident of this State or a nonresident who is**  
26 **a student or worker within this State and the time within which the**  
27 **offender is required to register pursuant to section 26 of this act;**

28       (II) **The duty to register in any other jurisdiction during**  
29 **any period in which he or she is a resident of the other jurisdiction**  
30 **or a nonresident who is a student or worker within the other**  
31 **jurisdiction;**

32       (III) **If the offender moves from this State to another**  
33 **jurisdiction, the duty to register with the appropriate law**  
34 **enforcement agency in the other jurisdiction;**

35       (IV) **The duty to notify the local law enforcement agency**  
36 **for the jurisdiction in which the offender now resides, in person,**  
37 **and the jurisdiction in which he or she most recently resided, in**  
38 **person or in writing, if the offender changes the address at which**  
39 **he or she resides, including if the offender moves from this State**  
40 **to another jurisdiction, or changes the primary address at which**  
41 **he or she is a student or worker; and**

42       (V) **The duty to notify immediately the appropriate local**  
43 **law enforcement agency if the offender is, expects to be or**  
44 **becomes enrolled as a student at an institution of higher education**  
45 **or if the offender is, expects to be or becomes a worker at an**





1 institution of higher education or changes the date of  
2 commencement or termination of his or her work at an institution  
3 of higher education; and

4 (2) Require the offender to read and sign a form  
5 confirming that the requirements for registration have been  
6 explained to the offender and to forward the form to the Central  
7 Repository.

8 (b) The Central Repository shall:

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

11 (2) Provide notification concerning the offender to the  
12 appropriate local law enforcement agencies and, if the offender  
13 will reside upon release in a jurisdiction which is outside this  
14 State, to the appropriate law enforcement agency in that  
15 jurisdiction.

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

20 5. If the Central Repository receives notice from another  
21 jurisdiction or the Federal Bureau of Investigation that an  
22 offender convicted of a crime against a child is now residing or is  
23 a student or worker within this State, the Central Repository shall:

24 (a) Immediately provide notification concerning the offender  
25 to the appropriate local law enforcement agencies; and

26 (b) Establish a record of registration for the offender with the  
27 assistance of the local law enforcement agency.

28 **Sec. 26. 1.** In addition to any other registration that is  
29 required pursuant to section 25 of this act, each offender who,  
30 after July 1, 1956, is or has been convicted of a crime against a  
31 child shall register with a local law enforcement agency pursuant  
32 to the provisions of this section.

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

35 (a) A county; or

36 (b) An incorporated city that does not have a city police  
37 department,

38 the offender shall be deemed a resident offender and shall  
39 register with the sheriff's office of the county or, if the county or  
40 city is within the jurisdiction of a metropolitan police department,  
41 the metropolitan police department, not later than 48 hours after  
42 arriving or establishing a residence with the county or city.

43 3. If the offender resides or is present for 48 hours or more  
44 within an incorporated city that has a city police department, the  
45 offender shall be deemed a resident offender and shall register





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

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

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

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

15 (b) The offender is, expects to be or becomes a worker at an  
16 institution of higher education or changes the date of  
17 commencement or termination of his or her work at an institution  
18 of higher education.

19 ➤ The offender shall provide the name, address and type of each  
20 such institution of higher education.

21 6. To register with a local law enforcement agency pursuant  
22 to this section, the offender shall:

23 (a) Appear personally at the office of the appropriate law  
24 enforcement agency;

25 (b) Provide all information that is requested by the local law  
26 enforcement agency, including, without limitation, fingerprints  
27 and a photograph; and

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

31 7. When an offender registers, the local law enforcement  
32 agency shall:

33 (a) Inform the offender of the duty to notify the local law  
34 enforcement agency if the offender changes the address at which  
35 he or she resides or changes the primary address at which he or  
36 she is a student or worker; and

37 (b) Inform the offender of the duty to register with the local  
38 law enforcement agency in whose jurisdiction the offender  
39 relocates.

40 8. After the offender registers with the local law enforcement  
41 agency, the local law enforcement agency shall forward to the  
42 Central Repository the information collected, including, without  
43 limitation, the fingerprints and a photograph of the offender.



1       9. *If the Central Repository has not previously established a*  
2 *record of registration for an offender described in subsection 8,*  
3 *the Central Repository shall:*

4       (a) *Establish a record of registration for the offender; and*

5       (b) *Provide notification concerning the offender to the*  
6 *appropriate local law enforcement agencies.*

7       10. *When an offender notifies a local law enforcement*  
8 *agency that:*

9       (a) *The offender is, expects to be or becomes enrolled as a*  
10 *student at an institution of higher education or changes the date*  
11 *of commencement or termination of his or her enrollment at an*  
12 *institution of higher education; or*

13       (b) *The offender is, expects to be or becomes a worker at an*  
14 *institution of higher education or changes the date of*  
15 *commencement or termination of his or her work at an institution*  
16 *of higher education,*

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

21       **Sec. 27.** 1. *If an offender convicted of a crime against a*  
22 *child changes the address at which he or she resides, including,*  
23 *without limitation, moving from this State to another jurisdiction,*  
24 *or changes the primary address at which he or she is a student or*  
25 *worker, not later than 48 hours after changing such address, the*  
26 *offender shall provide the new address, in person, to the local law*  
27 *enforcement agency in whose jurisdiction the offender now resides*  
28 *and, in person or in writing, to the local law enforcement agency*  
29 *in whose jurisdiction the offender formerly resided and shall*  
30 *provide all other information that is relevant to updating the*  
31 *offender's record of registration, including, without limitation,*  
32 *any change in the offender's name, occupation, employment,*  
33 *work, volunteer service or driver's license and any change in the*  
34 *license number or description of a motor vehicle registered to or*  
35 *frequently driven by the offender.*

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

40       (a) *If the offender has changed an address within this*  
41 *State, the Central Repository shall immediately provide*  
42 *notification concerning the offender to the appropriate local law*  
43 *enforcement agency in whose jurisdiction the offender is now*  
44 *residing or is a student or worker and shall notify the local law*



1 enforcement agency in whose jurisdiction the offender last  
2 resided or was a student or worker; or

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

9 **Sec. 28.** 1. Except as otherwise provided in subsection 4,  
10 each year, on the anniversary of the date that the Central  
11 Repository establishes a record of registration for the offender, the  
12 Central Repository shall mail to the offender, at the address last  
13 registered by the offender, a nonforwardable verification form.  
14 The offender shall complete and sign the form and mail the form  
15 to the Central Repository not later than 10 days after receipt of the  
16 form to verify that he or she still resides at the address he or she  
17 last registered.

18 2. An offender shall include with each verification form a  
19 current set of fingerprints, a current photograph and all other  
20 information that is relevant to updating his or her record of  
21 registration, including, without limitation, any change in his  
22 or her name, occupation, employment, work, volunteer service or  
23 driver's license and any change in the license number or  
24 description of a motor vehicle registered to or frequently driven by  
25 him or her. The Central Repository shall provide all updated  
26 information to the appropriate local law enforcement agencies.

27 3. If the Central Repository does not receive a verification  
28 form from an offender and otherwise cannot verify the address or  
29 location of the offender, the Central Repository shall immediately  
30 notify the appropriate local law enforcement agencies.

31 4. The Central Repository is not required to complete the  
32 mailing pursuant to subsection 1:

33 (a) During any period in which an offender is incarcerated or  
34 confined or has changed his or her place of residence from this  
35 State to another jurisdiction; or

36 (b) For a nonresident offender who is a student or worker  
37 within this State.

38 **Sec. 29.** 1. An offender convicted of a crime against a child  
39 shall comply with the provisions for registration for as long as the  
40 offender resides or is present within this State or is a nonresident  
41 offender who is a student or worker within this State, unless the  
42 duty of the offender to register is terminated pursuant to the  
43 provisions of this section.

44 2. Except as otherwise provided in subsection 5, if an  
45 offender complies with the provisions for registration for an



1 *interval of at least 15 consecutive years during which he or she is*  
2 *not convicted of an offense that poses a threat to the safety or well-*  
3 *being of others, the offender may file a petition to terminate his or*  
4 *her duty to register with the district court in whose jurisdiction he*  
5 *or she resides or, if the offender is a nonresident offender, in*  
6 *whose jurisdiction he or she is a student or worker. For the*  
7 *purposes of this subsection, registration begins on the date that*  
8 *the Central Repository establishes a record of registration for the*  
9 *offender or the date that the offender is released, whichever*  
10 *occurs later.*

11 *3. If the offender satisfies the requirements of subsection 2,*  
12 *the court shall hold a hearing on the petition at which the offender*  
13 *and any other interested person may present witnesses and other*  
14 *evidence. If the court determines from the evidence presented at*  
15 *the hearing that the offender is not likely to pose a threat to the*  
16 *safety of others, the court shall terminate the duty of the offender*  
17 *to register.*

18 *4. If the court does not terminate the duty of the offender to*  
19 *register after a petition is heard pursuant to subsections 2 and 3,*  
20 *the offender may file another petition after each succeeding*  
21 *interval of 5 consecutive years if the offender is not convicted of*  
22 *an offense that poses a threat to the safety or well-being of others.*

23 *5. An offender may not file a petition to terminate his or her*  
24 *duty to register pursuant to this section if the offender:*

25 *(a) Is subject to community notification or to lifetime*  
26 *supervision pursuant to NRS 176.0931 as a sex offender;*

27 *(b) Has been declared to be a sexually violent predator as*  
28 *defined in section 40 of this act; or*

29 *(c) Has been convicted of:*

30 *(1) One or more sexually violent offenses as defined in*  
31 *section 39 of this act;*

32 *(2) Two or more sexual offenses, as defined in section 38 of*  
33 *this act, against persons less than 18 years of age;*

34 *(3) Two or more crimes against a child; or*

35 *(4) At least one of each offense listed in subparagraphs (2)*  
36 *and (3).*

37 **Sec. 30. 1. Except as otherwise provided in subsection 2, an**  
38 **offender convicted of a crime against a child who:**

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

40 *(b) Fails to notify the local law enforcement agency of a*  
41 *change of address;*

42 *(c) Provides false or misleading information to the Central*  
43 *Repository or a local law enforcement agency; or*



(d) Otherwise violates the provisions of sections 20 to 30, inclusive, of this act,

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

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

Sec. 31. As used in NRS 179D.450 to 179D.550, inclusive, and sections 31 to 42, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 to 40, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 32. "Mental disorder" means a congenital or acquired condition affecting the emotional or volitional capacity of a person which predisposes that person to the commission of violent sexual acts. The term includes, without limitation, a mental disorder that is listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

Sec. 33. "Nonresident sex offender who is a student or worker within this State" and "nonresident sex offender" mean a sex offender who is a student or worker within this State but who is not otherwise deemed a resident sex offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 34. "Personality disorder" includes, without limitation, a personality disorder that is listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

Sec. 35. "Qualified professional" means a person who has received training in evaluating sex offenders and is:

1. A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.; or

2. A psychologist licensed to practice in this State.

Sec. 36. "Registration" means registration as a sex offender pursuant to NRS 179D.450 to 179D.550, inclusive, and sections 31 to 42, inclusive, of this act.

Sec. 37. 1. "Sex offender" means a person who, after July 1, 1956, is or has been:

(a) Convicted of a sexual offense listed in section 38 of this act; or



(b) *Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in paragraph (t) of subsection 1 of section 38 of this act.*

2. *The term includes, without limitation:*

(a) *A sexually violent predator.*

(b) *A nonresident sex offender who is a student or worker within this State.*

**Sec. 38. 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, 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) *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) *Sex trafficking pursuant to subsection 2 of NRS 201.300.*

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

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

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

(q) *An attempt or conspiracy to commit an offense listed in paragraphs (a) to (p), inclusive.*

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



(s) *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.*

*(t) 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 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. 39. "Sexually violent offense" means any of the following offenses:**

1. *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.*

2. *Sexual assault pursuant to NRS 200.366.*

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

4. *An offense involving pornography and a minor pursuant to NRS 200.710.*

5. *An attempt to commit an offense listed in subsections 1 to 4, inclusive.*

6. *An offense that is determined to be sexually motivated pursuant to NRS 175.547.*

7. *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:*





1 (a) *A tribal court.*

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

4 8. *Any other offense listed in section 38 of this act if, during*  
5 *the commission of the offense, the offender engaged in or*  
6 *attempted to engage in:*

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

8 (b) *Nonconsensual sexual penetration of any other person.*

9 **Sec. 40.** *“Sexually violent predator” means:*

10 1. *A person who:*

11 (a) *Has been convicted of a sexually violent offense;*

12 (b) *Suffers from a mental disorder or personality disorder; and*

13 (c) *Has been declared to be a sexually violent predator*  
14 *pursuant to section 41 of this act.*

15 2. *A person who has been declared to be a sexually violent*  
16 *predator pursuant to the laws of another jurisdiction.*

17 **Sec. 41.** 1. *If a sex offender is convicted of a sexually*  
18 *violent offense, or if a sex offender is convicted of a sexual offense*  
19 *and the sex offender previously has been convicted of a sexually*  
20 *violent offense, the prosecuting attorney may petition the court in*  
21 *which the sex offender was sentenced for a declaration that the*  
22 *sex offender is a sexually violent predator for the purposes of this*  
23 *chapter. The petition must be filed before the sex offender is*  
24 *released.*

25 2. *If the prosecuting attorney files a petition pursuant to*  
26 *subsection 1, the court shall schedule a hearing on the petition*  
27 *and shall order the sex offender to submit to an evaluation by a*  
28 *panel consisting of two qualified professionals, two persons who*  
29 *are advocates of victims’ rights and two persons who represent law*  
30 *enforcement agencies. As part of the evaluation by the panel, the*  
31 *two qualified professionals shall conduct a psychological*  
32 *examination of the sex offender. The panel shall prepare a report*  
33 *of its conclusions, including, without limitation, the conclusions of*  
34 *the two qualified professionals regarding whether the sex offender*  
35 *suffers from a mental disorder or personality disorder, and shall*  
36 *provide a copy of the report to the court.*

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

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





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

7       Sec. 42. In addition to the information that must be included  
8 in a record of registration pursuant to NRS 179D.151, the record  
9 of registration for a sex offender declared to be a sexually violent  
10 predator must include a notation regarding whether the sex  
11 offender has previously received treatment for his or her mental  
12 disorder or personality disorder.

13       Sec. 43. As used in sections 43 to 59, inclusive, of this act,  
14 unless the context otherwise requires, the words and terms defined  
15 in sections 44 to 50, inclusive, of this act have the meanings  
16 ascribed to them in those sections.

17       Sec. 44. "Nonresident sex offender who is a student or  
18 worker within this State" and "nonresident sex offender" mean a  
19 sex offender who is a student or worker within this State but who  
20 is not otherwise deemed a resident sex offender pursuant to  
21 subsection 2 or 3 of NRS 179D.460.

22       Sec. 45. 1. "Sex offender" means a person who, after  
23 July 1, 1956, is or has been:

24       (a) Convicted of a sexual offense listed in section 46 of this  
25 act; or

26       (b) Adjudicated delinquent or found guilty by a court having  
27 jurisdiction over juveniles of a sexual offense listed in paragraph  
28 (s) of subsection 1 of section 46 of this act.

29       2. The term includes, without limitation:

30       (a) A sexually violent predator.

31       (b) A nonresident sex offender who is a student or worker  
32 within this State.

33       Sec. 46. 1. "Sexual offense" means any of the following  
34 offenses:

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

39       (b) Sexual assault pursuant to NRS 200.366.

40       (c) Statutory sexual seduction pursuant to NRS 200.368, if  
41 punished as a felony.

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

44       (e) An offense involving the administration of a drug to  
45 another person with the intent to enable or assist the commission



1 of a felony pursuant to NRS 200.405, if the felony is an offense  
2 listed in this section.

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

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

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

11 (i) Incest pursuant to NRS 201.180.

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

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

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

15 (m) Sex trafficking pursuant to subsection 2 of NRS 201.300.

16 (n) Sexual penetration of a dead human body pursuant to  
17 NRS 201.450.

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

20 (p) An attempt or conspiracy to commit an offense listed in  
21 paragraphs (a) to (o), inclusive.

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

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

28 (1) A tribal court.

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

31 (s) An offense of a sexual nature committed in another  
32 jurisdiction, whether or not the offense would be an offense listed  
33 in this section, if the person who committed the offense resides or  
34 has resided or is or has been a student or worker in any  
35 jurisdiction in which the person is or has been required by the  
36 laws of that jurisdiction to register as a sex offender because of the  
37 offense. This paragraph includes, without limitation, an offense  
38 prosecuted in:

39 (1) A tribal court.

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

42 (3) A court having jurisdiction over juveniles.

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



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

3       (b) *At least 13 years of age and the offender was not more than*  
4 *4 years older than the victim at the time of the commission of the*  
5 *offense.*

6       Sec. 47. *“Sexually violent predator” has the meaning*  
7 *ascribed to it in section 40 of this act.*

8       Sec. 48. *“Tier I level of notification” means community*  
9 *notification pursuant to paragraph (a) of subsection 1 of section*  
10 *54 of this act.*

11       Sec. 49. *“Tier II level of notification” means community*  
12 *notification pursuant to paragraph (b) of subsection 1 of section*  
13 *54 of this act.*

14       Sec. 50. *“Tier III level of notification” means community*  
15 *notification pursuant to paragraph (c) of subsection 1 of section*  
16 *54 of this act.*

17       Sec. 51. 1. *There is hereby created an Advisory Council for*  
18 *Community Notification. The Council consists of:*

19       (a) *Three members, of whom not more than two may be of the*  
20 *same political party, appointed by the Governor; and*

21       (b) *Four members, of whom not more than two may be of the*  
22 *same political party, appointed by the Legislative Commission.*

23       2. *Each member serves a term of 4 years. Members may be*  
24 *reappointed for additional terms of 4 years in the same manner as*  
25 *the original appointments.*

26       3. *A vacancy occurring in the membership of the Council*  
27 *must be filled in the same manner as the original appointments.*

28       4. *The Council shall consult with and provide*  
29 *recommendations to the Attorney General concerning the*  
30 *guidelines and procedures for community notification.*

31       Sec. 52. 1. *The Attorney General shall consult with the*  
32 *Advisory Council for Community Notification and shall establish*  
33 *guidelines and procedures for community notification pursuant to*  
34 *sections 43 to 59, inclusive, of this act.*

35       2. *The guidelines and procedures established by the Attorney*  
36 *General must be designed to promote, to the extent practicable, the*  
37 *uniform application of the provisions of sections 43 to 59,*  
38 *inclusive, of this act.*

39       3. *The provisions of sections 43 to 59, inclusive, of this act*  
40 *must not be construed to prevent:*

41       (a) *Law enforcement officers from providing the public with*  
42 *notification concerning persons who pose a threat to the safety of*  
43 *the public.*



(b) *A campus police department from providing the campus community with notification concerning persons who pose a threat to the safety of the campus community.*

**Sec. 53.** *1. Except as otherwise provided in subsection 5, the Attorney General shall establish guidelines and procedures for assessing the risk of recidivism of each sex offender who resides within this State and each nonresident sex offender who is a student or worker within this State.*

*2. The guidelines and procedures must identify and incorporate factors relevant to the risk of recidivism of the sex offender, including, without limitation:*

*(a) Conditions of release that minimize the risk of recidivism, including, without limitation, probation or parole, counseling, therapy or treatment;*

*(b) Physical conditions that minimize the risk of recidivism, including, without limitation, advanced age or debilitating illness; and*

*(c) Any criminal history of the sex offender indicative of a high risk of recidivism, including, without limitation:*

*(1) Whether the conduct of the sex offender was found to be characterized by repetitive and compulsive behavior;*

*(2) Whether the sex offender committed the sexual offense against a child;*

*(3) Whether the sexual offense involved the use of a weapon, violence or infliction of serious bodily injury;*

*(4) The number, date and nature of prior offenses;*

*(5) Whether psychological or psychiatric profiles indicate a risk of recidivism;*

*(6) The response of the sex offender to treatment;*

*(7) Any recent threats against a person or expressions of intent to commit additional crimes; and*

*(8) Behavior while confined.*

*3. The assessment of the risk of recidivism of a sex offender may be based upon information concerning the sex offender obtained from agencies of this State and agencies from other jurisdictions.*

*4. Each person who is conducting the assessment must be given access to all records of the sex offender that are necessary to conduct the assessment, 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 assessment.*

*5. The Attorney General may provide in the guidelines and procedures for a provisional waiver of the assessment of the risk of recidivism of any nonresident sex offender who is not likely to be a student or worker within this State for more than 30*



consecutive days and who is not likely to pose a substantial threat to the safety of the public. If a nonresident sex offender is granted such a provisional waiver, the nonresident sex offender:

(a) Shall be deemed to be assigned provisionally a Tier I level of notification; and

(b) May be assessed and assigned any other level of notification pursuant to the provisions of sections 43 to 59, inclusive, of this act and the guidelines and procedures for community notification established by the Attorney General if, at any time during the period of the provisional waiver, there is any cause to believe that the nonresident sex offender will be a student or worker within this State for an extended period or that the sex offender poses a threat to the safety of the public.

**Sec. 54. 1.** Except as otherwise provided in this section, the guidelines and procedures for community notification established by the Attorney General must provide for the following levels of notification, depending upon the risk of recidivism of the sex offender:

(a) If the risk of recidivism is low, the sex offender must be assigned a Tier I level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall notify other law enforcement agencies that are likely to encounter the sex offender.

(b) If the risk of recidivism is moderate, the sex offender must be assigned a Tier II level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraph (a) and shall notify schools and religious and youth organizations that are likely to encounter the sex offender.

(c) If the risk of recidivism is high, the sex offender must be assigned a Tier III level of notification, and the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide notification pursuant to paragraphs (a) and (b) and shall notify the public through means designed to reach members of the public who are likely to encounter the sex offender.

2. If the sex offender is assigned a Tier II or Tier III level of notification and the sex offender has committed a sexual offense against a person less than 18 years of age, the law enforcement agency in whose jurisdiction the sex offender resides or is a student or worker shall provide the appropriate notification for Tier II or Tier III and, in addition, shall provide a notification that includes a photograph of the sex offender to:

(a) Motion picture theaters, other than adult motion picture theaters, which are likely to encounter the sex offender; and



(b) *Businesses which are likely to encounter the sex offender and which primarily have children as customers or conduct events that primarily children attend.*

3. *A sex offender must be assigned a Tier III level of notification if the sex offender has been:*

(a) *Declared to be a sexually violent predator;*

(b) *Convicted of three or more sexually violent offenses, and at least two of the offenses were brought and tried separately;*

(c) *Convicted of two sexually violent offenses and one or more nonsexually violent offenses, and at least two of the offenses were brought and tried separately;*

(d) *Convicted of one sexually violent offense and two or more nonsexually violent offenses, and at least two of the offenses were brought and tried separately;*

(e) *Convicted of two sexually violent offenses, and both offenses were brought and tried separately, and the sex offender has been arrested on three or more separate occasions for commission of a sexually violent offense, a nonsexually violent offense or an associated offense; or*

(f) *Convicted of one sexually violent offense and one nonsexually violent offense, and both offenses were brought and tried separately, and the sex offender has been arrested on three or more separate occasions for commission of a sexually violent offense, a nonsexually violent offense or an associated offense.*

4. *The existence of a community notification website must not be construed to affect, in any manner, the responsibility to provide notification pursuant to this section.*

5. *As used in this section:*

(a) *“Adult motion picture theater” has the meaning ascribed to it in NRS 278.0221.*

(b) *“Associated offense” includes any of the following offenses:*

(1) *Harassment pursuant to NRS 200.571.*

(2) *Stalking or aggravated stalking pursuant to NRS 200.575.*

(3) *Any offense related to obscenity pursuant to NRS 201.235 to 201.254, inclusive.*

(4) *Any offense related to obscene, threatening or annoying telephone calls pursuant to NRS 201.255.*

(5) *Any offense related to burglary or invasion of the home pursuant to NRS 205.060 to 205.080, inclusive.*

(c) *“Community notification website” has the meaning ascribed to it in NRS 179B.023.*

(d) *“Nonsexually violent offense” means an offense that:*



(1) *Involves the use or threatened use of force or violence against the victim; and*

(2) *Is not a sexual offense as defined pursuant to section 38 of this act.*

(e) *“Sexually violent offense” has the meaning ascribed to it in section 39 of this act.*

**Sec. 55.** *A sex offender who is assigned a Tier II or Tier III level of notification must be provided with notice indicating:*

1. *The level of notification he or she has been assigned; and*

2. *The procedures the sex offender must follow to request reconsideration of the level of notification, unless the level of notification is not subject to reconsideration pursuant to a specific statute.*

**Sec. 56.** 1. *Except as otherwise provided in subsection 5 of section 53 of this act, the level of notification assigned to a sex offender may be changed in accordance with the guidelines and procedures established by the Attorney General pursuant to sections 43 to 59, inclusive, of this act, if the sex offender has been assigned a level of notification pursuant to sections 43 to 59, inclusive, of this act, and the sex offender:*

(a) *Is convicted of an offense that poses a threat to the safety or well-being of others;*

(b) *Annoys, harasses, threatens or intimidates a victim of one of the sex offender’s sexual offenses; or*

(c) *Commits an overt act which is sexually motivated or involves the use or threatened use of force or violence and which causes harm or creates a reasonable apprehension of harm.*

2. *As used in this section:*

(a) *“Sexual offense” includes, without limitation, a sexual offense punishable as a misdemeanor or gross misdemeanor.*

(b) *“Sexually motivated” means that one of the purposes for which the person committed the act was his or her sexual gratification.*

**Sec. 57.** 1. *Except as otherwise provided in subsection 6, if a sex offender is subject to community notification for an interval of at least 10 consecutive years during which he or she is not convicted of an offense that poses a threat to the safety or well-being of others, the sex offender may petition the Attorney General for a reassessment of his or her risk of recidivism.*

2. *If the sex offender satisfies the requirements of subsection 1, the Attorney General shall arrange for a reassessment. The reassessment must be conducted in the same manner as an assessment of the risk of recidivism.*

3. *If the sex offender is assigned a Tier I level of notification before the reassessment is conducted, the sex offender may be:*





1 (a) Reassigned the Tier I level of notification that he or she is  
2 currently assigned; or

3 (b) Relieved from being subject to community notification.

4 4. If the sex offender is assigned a Tier II or Tier III level of  
5 notification before the reassessment is conducted, the sex offender  
6 may be:

7 (a) Reassigned the level of notification that he or she is  
8 currently assigned; or

9 (b) Reassigned a level of notification that is one tier below the  
10 level of notification that he or she is currently assigned.

11 5. After receiving a reassessment pursuant to subsections 1  
12 and 2, the sex offender may file another petition for a  
13 reassessment after each succeeding interval of 5 consecutive years  
14 if the sex offender is not convicted of an offense that poses a  
15 threat to the safety or well-being of others.

16 6. If a sex offender has been declared to be a sexually violent  
17 predator, the sex offender may not receive a reassessment  
18 pursuant to the provisions of this section.

19 **Sec. 58.** The law enforcement agency in whose jurisdiction a  
20 sex offender resides or is a student or worker shall disclose  
21 information regarding the sex offender to the appropriate persons  
22 pursuant to the guidelines and procedures established by the  
23 Attorney General pursuant to sections 43 to 59, inclusive, of this  
24 act.

25 **Sec. 59. 1.** The Attorney General shall establish guidelines  
26 and procedures for community notification concerning juvenile  
27 sex offenders who are subject to the provisions of sections 74 to  
28 82, inclusive, of this act. The guidelines and procedures for  
29 community notification concerning juvenile sex offenders must be,  
30 to the extent practicable, consistent with the guidelines and  
31 procedures for community notification concerning adult sex  
32 offenders established by the Attorney General pursuant to sections  
33 43 to 59, inclusive, of this act.

34 2. Upon receiving notification from a probation officer or  
35 parole officer, as appropriate, assigned to a juvenile sex offender  
36 pursuant to sections 74 to 82, inclusive, of this act, the local law  
37 enforcement agency receiving the notification shall disclose  
38 information regarding the juvenile sex offender to the appropriate  
39 persons pursuant to the guidelines and procedures established by  
40 the Attorney General pursuant to sections 43 to 59, inclusive, of  
41 this act.

42 3. Each person who is conducting an assessment of the risk  
43 of recidivism of a juvenile sex offender must be given access to all  
44 records of the juvenile sex offender that are necessary to conduct  
45 the assessment, including, without limitation, records compiled





*pursuant to title 5 of NRS, and the juvenile sex offender shall be deemed to have waived all right of confidentiality and all privileges relating to those records for the limited purpose of the assessment.*

**Sec. 60.** NRS 179D.010 is hereby amended to read as follows:

179D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 179D.015 to 179D.120, inclusive, *and sections 18 and 19 of this act* have the meanings ascribed to them in those sections.

**Sec. 61.** NRS 179D.030 is hereby amended to read as follows:

179D.030 "Community notification" means notification of a community pursuant to the provisions of ~~NRS 179D.475.~~ *sections 43 to 59, inclusive, of this act.*

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

179D.035 "Convicted" includes, but is not limited to, an adjudication of delinquency *or a finding of guilt* by a court having jurisdiction over juveniles if ~~+~~

~~1. The~~ *the* adjudication of delinquency *or the finding of guilt* is for the commission of ~~+~~ *any of the following offenses:*

*1. A crime against a child that is listed in subsection 7 of section 21 of this act.*

*2. 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.~~ *paragraph (t) of subsection 1 of section 38 of this act.*

*3. A sexual offense that is listed in paragraph (s) of subsection 1 of section 46 of this act.*

*4. A sexual offense that is listed in paragraph (b) of subsection 2 of section 82 of this act.*

**Sec. 63.** NRS 179D.151 is hereby amended to read as follows:

179D.151 1. ~~1A~~ *Except as otherwise provided in section 42 of this act,* a record of registration must include, if the information is available:

(a) Information identifying the offender or sex offender, including, but not limited to:

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

(2) 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;

(3) The date of birth and the social security number of the offender or sex offender;

(4) The identification number from a driver's license or an identification card issued to the offender or sex offender by this



1 State or any other jurisdiction and a photocopy of such driver's  
2 license or identification card;

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

6 (6) Any other information that identifies the offender or sex  
7 offender.

8 (b) Except as otherwise provided in paragraph (c), information  
9 concerning the residence of the offender or sex offender, including,  
10 but not limited to:

11 (1) The address at which the offender or sex offender resides;

12 (2) The length of time the offender or sex offender has  
13 resided at that address and the length of time the offender or sex  
14 offender expects to reside at that address;

15 (3) The address or location of any other place where the  
16 offender or sex offender expects to reside in the future and the  
17 length of time the offender or sex offender expects to reside there;  
18 and

19 (4) The length of time the offender or sex offender expects to  
20 remain in the county where the offender or sex offender resides and  
21 in this State.

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

28 (d) Information concerning the offender's or sex offender's  
29 occupations, employment or work or expected occupations,  
30 employment or work, including, but not limited to, the name,  
31 address and type of business of all current and expected future  
32 employers of the offender or sex offender.

33 (e) Information concerning the offender's or sex offender's  
34 volunteer service or expected volunteer service in connection with  
35 any activity or organization within this State, including, but not  
36 limited to, the name, address and type of each such activity or  
37 organization.

38 (f) Information concerning the offender's or sex offender's  
39 enrollment or expected enrollment as a student in any public or  
40 private educational institution or school within this State, including,  
41 but not limited to, the name, address and type of each such  
42 educational institution or school.

43 (g) Information concerning whether:

44 (1) The offender or sex offender is, expects to be or becomes  
45 enrolled as a student at an institution of higher education or changes



\* S B 9 9 \*

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

3 (2) The offender or sex offender is, expects to be or becomes  
4 a worker at an institution of higher education or changes the date of  
5 commencement or termination of the offender's or sex offender's  
6 work at an institution of higher education,  
7 ➤ including, but not limited to, the name, address and type of each  
8 such institution of higher education.

9 (h) The license plate number and a description of all motor  
10 vehicles registered to or frequently driven by the offender or sex  
11 offender.

12 (i) The level of ~~registration and~~ community notification of the  
13 offender or sex offender.

14 (j) The criminal history of the offender or sex offender,  
15 including, without limitation:

16 (1) The dates of all arrests and convictions of the offender or  
17 sex offender;

18 (2) The status of parole, probation or supervised release of  
19 the offender or sex offender;

20 (3) The status of the registration of the offender or sex  
21 offender; and

22 (4) The existence of any outstanding arrest warrants for the  
23 offender or sex offender.

24 (k) The following information for each offense for which the  
25 offender or sex offender has been convicted:

26 (1) The court in which the offender or sex offender was  
27 convicted;

28 (2) The text of the provision of law defining each offense;

29 (3) The name under which the offender or sex offender was  
30 convicted;

31 (4) The name and location of each penal institution, school,  
32 hospital, mental facility or other institution to which the offender or  
33 sex offender was committed;

34 (5) The specific location where the offense was committed;

35 (6) The age, the gender, the race and a general physical  
36 description of the victim; and

37 (7) The method of operation that was used to commit the  
38 offense, including, but not limited to:

39 (I) Specific sexual acts committed against the victim;

40 (II) The method of obtaining access to the victim, such as  
41 the use of enticements, threats, forced entry or violence against the  
42 victim;

43 (III) The type of injuries inflicted on the victim;

44 (IV) The types of instruments, weapons or objects used;

45 (V) The type of property taken; and



(VI) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

~~1. 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. 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 81 of this act* that a juvenile ~~has been adjudicated delinquent for an offense for which the juvenile is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive,~~ *sex offender has been deemed to be an adult sex offender,* 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~~ *or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to section 81 of this act and is not otherwise incarcerated or confined:*

*(a) The Central Repository shall* ~~+~~

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

(b) ~~Immediately provide~~ *If the sex offender is subject to community notification* ~~concerning the offender or sex offender pursuant to the provisions of NRS 179D.475,~~ *the Central Repository shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to sections 43 to 59, inclusive, of this act.*



1        3. If ~~{an offender or}~~ a sex offender is incarcerated or confined  
2 and has previously been convicted of ~~{a crime against a child as~~  
3 ~~described in NRS 179D.0357 or}~~ a sexual offense as described in  
4 ~~{NRS 179D.097,}~~ *section 38 of this act*, before the ~~{offender or}~~ sex  
5 offender is released:

6        (a) The Department of Corrections or a local law enforcement  
7 agency in whose facility the ~~{offender or}~~ sex offender is  
8 incarcerated or confined shall:

9        (1) Inform the ~~{offender or}~~ sex offender of the requirements  
10 for registration, including, but not limited to:

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

15        ~~{(H)}~~ (H) The duty to register in this State during any period in  
16 which the ~~{offender or}~~ sex offender is a resident of this State or a  
17 nonresident who is a student or worker within this State and the time  
18 within which the ~~{offender or}~~ sex offender is required to register  
19 pursuant to NRS 179D.460;

20        ~~{(H)}~~ (II) The duty to register in any other jurisdiction  
21 during any period in which the ~~{offender or}~~ sex offender is a  
22 resident of the other jurisdiction or a nonresident who is a student or  
23 worker within the other jurisdiction;

24        ~~{(IV)}~~ (III) If the ~~{offender or}~~ sex offender moves from  
25 this State to another jurisdiction, the duty to register with the  
26 appropriate law enforcement agency in the other jurisdiction;

27        ~~{(V)}~~ (IV) The duty to notify the local law enforcement  
28 agency for the jurisdiction in which the ~~{offender or}~~ sex offender  
29 now resides, in person, and the jurisdiction in which the ~~{offender~~  
30 ~~or}~~ sex offender formerly resided, in person or in writing, if the  
31 ~~{offender or}~~ sex offender changes the address at which the  
32 ~~{offender or}~~ sex offender resides, including if the ~~{offender or}~~ sex  
33 offender moves from this State to another jurisdiction, or changes  
34 the primary address at which the ~~{offender or}~~ sex offender is a  
35 student or worker; and

36        ~~{(VI)}~~ (V) The duty to notify immediately the appropriate  
37 local law enforcement agency if the ~~{offender or}~~ sex offender is,  
38 expects to be or becomes enrolled as a student at an institution of  
39 higher education or changes the date of commencement or  
40 termination of the ~~{offender or}~~ sex offender's enrollment at an  
41 institution of higher education or if the ~~{offender or}~~ sex offender is,  
42 expects to be or becomes a worker at an institution of higher  
43 education or changes the date of commencement or termination of  
44 the ~~{offender or}~~ sex offender's work at an institution of higher  
45 education; and



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

(b) The Central Repository shall:

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

(2) ~~Provide~~ *If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification concerning the offender or sex offender established by the Attorney General pursuant to the provisions of NRS 179D.475; sections 43 to 59, inclusive, of this act;* and

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

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

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

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

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

(c) ~~Immediately provide~~ *If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification concerning the offender or sex offender established by the Attorney General pursuant to the provisions of NRS 179D.475; sections 43 to 59, inclusive, of this act.*

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

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



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

(a) A county; or

(b) An incorporated city that does not have a city police department,

↳ the ~~offender or~~ sex offender shall be deemed a resident ~~offender or~~ sex offender and shall register with the sheriff's office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the ~~offender or~~ sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the ~~offender or~~ sex offender shall be deemed a resident ~~offender or~~ sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

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

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

(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.

↳ The ~~offender or~~ sex offender shall provide the name, address and type of each such institution of higher education.

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

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

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



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

7. When ~~{an offender or}~~ a sex offender registers, the local law enforcement agency shall:

(a) Inform the ~~{offender or}~~ sex offender of the duty to notify the local law enforcement agency if the ~~{offender or}~~ sex offender changes the address at which the ~~{offender or}~~ sex offender resides, including if the ~~{offender or}~~ sex offender moves from this State to another jurisdiction, or changes the primary address at which the ~~{offender or}~~ sex offender is a student or worker; and

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

8. After the ~~{offender or}~~ sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the ~~{offender or}~~ sex offender.

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

(a) Establish a record of registration for the ~~{offender or}~~ sex offender;

(b) Provide notification concerning the ~~{offender or}~~ sex offender to the appropriate local law enforcement agencies; and

(c) ~~{Provide}~~ *If the sex offender is subject to community notification ~~{concerning the offender or}~~ and has not otherwise been assigned a level of notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the ~~{provisions of NRS 179D.475}~~ guidelines and procedures for community notification established by the Attorney General pursuant to sections 43 to 59, inclusive, of this act.*

10. When ~~{an offender or}~~ a 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,





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

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

6     179D.480 1. Except as otherwise provided in ~~subsection 3,~~  
7 ~~an offender convicted of a crime against a child or a sex offender~~  
8 ~~shall appear in person in at least one jurisdiction in which the~~  
9 ~~offender or sex offender resides or is a student or worker:~~

10     ~~—(a) Not less frequently than annually, if the offender or sex~~  
11 ~~offender is a Tier I offender;~~

12     ~~—(b) Not less frequently than every 180 days, if the offender or~~  
13 ~~sex offender is a Tier II offender; or~~

14     ~~—(c) Not less frequently than every 90 days, if the offender or sex~~  
15 ~~offender is a Tier III offender;~~

16     ~~↪ and shall allow the appropriate local law enforcement agency to~~  
17 ~~collect~~ *subsections 2 and 5, each year, on the anniversary of the*  
18 *date that the Central Repository establishes a record of*  
19 *registration for the sex offender, the Central Repository shall mail*  
20 *to the sex offender, at the address last registered by the sex*  
21 *offender, a nonforwardable verification form. The sex offender*  
22 *shall complete and sign the form and mail the form to the Central*  
23 *Repository not later than 10 days after receipt of the form to verify*  
24 *that the sex offender still resides at the address the sex offender*  
25 *last registered.*

26     2. *Except as otherwise provided in subsection 5, if a sex*  
27 *offender has been declared to be a sexually violent predator, every*  
28 *90 days, beginning on the date that the Central Repository*  
29 *establishes a record of registration for the sex offender, the*  
30 *Central Repository shall mail to the sex offender, at the address*  
31 *last registered by the sex offender, a nonforwardable verification*  
32 *form. The sex offender shall complete and sign the form and mail*  
33 *the form to the Central Repository not later than 10 days after*  
34 *receipt of the form to verify that the sex offender still resides at the*  
35 *address the sex offender last registered.*

36     3. *A sex offender shall include with each verification form a*  
37 *current set of fingerprints, ~~and palm prints,~~ a current photograph*  
38 *and all other information that is relevant to updating the ~~offender~~*  
39 *or sex offender's record of registration, including, but not limited to,*  
40 *any change in the ~~offender or~~ sex offender's name, occupation,*  
41 *employment, work, volunteer service or driver's license and any*  
42 *change in the license number or description of a motor vehicle*  
43 *registered to or frequently driven by the ~~offender or~~ sex offender.*



~~{2. If an offender or sex offender does not comply with the provisions of subsection 1.}~~ *The Central Repository shall provide all updated information to the appropriate law enforcement agencies.*

*4. If the Central Repository does not receive a verification form from a sex offender and otherwise cannot verify the address or location of the sex offender, the Central Repository shall {:*

~~—(a) Immediately}~~ *immediately* notify the appropriate local law enforcement agencies . ~~{and the Attorney General of the United States; and~~

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

~~—3. An offender or sex offender}~~

*5. The Central Repository* is not required to ~~{comply with the provisions of}~~ *complete the mailing pursuant to* subsection 1 ~~{during}~~ or 2:

*(a) During* any period in which ~~{the offender or}~~ *a* sex offender is incarcerated or confined ~~{:~~ *or has changed his or her place of residence from this State to another jurisdiction; or*

*(b) For a nonresident sex offender who is a student or worker within this State.*

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

179D.490 1. ~~{An offender convicted of a crime against a child or a}~~ *A* sex offender shall comply with the provisions for registration for as long as the ~~{offender or}~~ sex offender resides or is present within this State or is a nonresident offender or sex offender who is a student or worker within this State, unless ~~{the period of time during which the offender or sex offender has}~~ the duty *of the sex offender* to register is ~~{reduced}~~ *terminated* pursuant to the provisions of this section.

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

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

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

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

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

~~—3. If an offender or}~~ *5, if a* sex offender complies with the provisions for registration ~~{:~~

~~—(a) For}~~ *for* an interval of at least ~~{10}~~ *15* consecutive years ~~{, if the offender or sex offender is a Tier I offender; or~~



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

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

~~{4.} 3. If the {offender or} sex offender satisfies the requirements of subsection {3.} 2, the court shall hold a hearing on the petition at which the {offender or} sex offender and any other interested person may present witnesses and other evidence. If the court determines from the evidence presented at the hearing that the {offender or} sex offender {satisfies the requirements of subsection 3.} is not likely to pose a threat to the safety of others, the court shall {:~~

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

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

~~4. If the court does not terminate the duty of the sex offender to register after a petition is heard pursuant to subsections 2 and 3, the sex offender may file another petition after each succeeding interval of 5 consecutive years if the sex~~



offender is not convicted of an offense that poses a threat to the safety or well-being of others.

5. A sex offender may not file a petition to terminate the sex offender's duty to register pursuant to this section if the sex offender:

(a) Is subject to community notification or to lifetime supervision pursuant to NRS 176.0931;

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

(c) Has been convicted of:

(1) One or more sexually violent offenses;

(2) Two or more sexually violent offenses against persons less than 18 years of age;

(3) Two or more crimes against a child as defined in section 21 of this act; or

(4) At least one of each offense listed in subparagraphs (2) and (3).

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

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

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

(b) Fails to notify the local law enforcement agency of a change of ~~name, residence, employment or student status as required pursuant to NRS 179D.447;~~ address;

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

(d) Otherwise violates the provisions of NRS ~~179D.010~~ 179D.450 to 179D.550, inclusive, *and sections 31 to 42, inclusive, of this act,*

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

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

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

**Sec. 69.** NRS 179D.570 is hereby amended to read as follows:

179D.570 1. The Central Repository shall, in accordance with the requirements of this section, share information concerning



sex offenders and offenders convicted of a crime against a child with:

(a) The State Gaming Control Board to carry out the provisions of NRS 463.335 pertaining to the registration of a gaming employee who is a sex offender or an offender convicted of a crime against a child. The Central Repository shall, at least once each calendar month, provide the State Gaming Control Board with the name and other identifying information of each offender who is not in compliance with the provisions of this chapter, in the manner and form agreed upon by the Central Repository and the State Gaming Control Board.

(b) The Department of Motor Vehicles to carry out the provisions of NRS 483.283, 483.861 and 483.929.

2. The information shared by the Central Repository pursuant to this section must indicate whether a sex offender or an offender convicted of a crime against a child is in compliance with the provisions of this chapter.

3. The Central Repository shall share information pursuant to this section as expeditiously as possible under the circumstances.

4. The Central Repository may adopt regulations to carry out the provisions of this section.

**5. *As used in this section:***

(a) *“Offender convicted of a crime against a child” has the meaning ascribed to it in section 23 of this act.*

(b) *“Sex offender” has the meaning ascribed to it in section 37 of this act.*

**Sec. 70.** NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to the human immunodeficiency virus or suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property,

→ is not material to the transaction.

2. In any sale, lease or rental of real property, the fact that a sex offender, as defined in ~~NRS 179D.095,~~ *section 37 of this act*, resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the



1 seller, lessor or landlord does not have a duty to disclose such a fact  
2 to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3 3. In any sale, lease or rental of real property, the fact that a  
4 facility for transitional living for released offenders that is licensed  
5 pursuant to chapter 449 of NRS is located near the property being  
6 sold, leased or rented is not material to the transaction.

7 4. A seller, lessor or landlord or any agent of the seller, lessor  
8 or landlord is not liable to the buyer, lessee or tenant in any action at  
9 law or in equity because of the failure to disclose any fact described  
10 in subsection 1, 2 or 3 that is not material to the transaction or of  
11 which the seller, lessor or landlord or agent of the seller, lessor or  
12 landlord had no actual knowledge.

13 5. Except as otherwise provided in an agreement between a  
14 buyer, lessee or tenant and that person's agent, an agent of the  
15 buyer, lessee or tenant is not liable to the buyer, lessee or tenant in  
16 any action at law or in equity because of the failure to disclose any  
17 fact described in subsection 1, 2 or 3 that is not material to the  
18 transaction or of which the agent of the buyer, lessee or tenant had  
19 no actual knowledge.

20 6. For purposes of this section, the fact that the property is or  
21 has been the site of a crime that involves the manufacturing of any  
22 material, compound, mixture or preparation which contains any  
23 quantity of methamphetamine is not material to the transaction if:

24 (a) All materials and substances involving methamphetamine  
25 have been removed from or remediated on the property by an entity  
26 certified or licensed to do so; or

27 (b) The property has been deemed safe for habitation by the  
28 board of health.

29 7. As used in this section:

30 (a) "Board of health" has the meaning ascribed to it in  
31 NRS 439.4797.

32 (b) "Facility for transitional living for released offenders" has  
33 the meaning ascribed to it in NRS 449.0055.

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

35 62A.030 1. "Child" means:

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

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

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

44 2. The term does not include:



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

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

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

**Sec. 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 75 and 76 of this act have the meanings ascribed to them in those sections.*

**Sec. 75.** *“Community notification” means notification of a community pursuant to the guidelines and procedures established by the Attorney General for juvenile sex offenders pursuant to section 59 of this act.*

**Sec. 76.** *“Sexual offense” means:*

1. *Sexual assault pursuant to NRS 200.366;*

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

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

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

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

**Sec. 77.** *Except as otherwise provided in subsection 2 of section 82 of this act, the provisions of sections 74 to 82, inclusive, of this act do not apply to a child who is subject to registration and community notification pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 31 to 59, inclusive, of this act, before reaching 21 years of age.*

**Sec. 78.** 1. *In addition to any other action authorized or required pursuant to the provisions of this title, if a child is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult or is adjudicated delinquent for a sexually motivated act, the juvenile court shall:*





1       (a) *Notify the Attorney General of the adjudication so that the*  
2 *Attorney General may arrange for the assessment of the risk of*  
3 *recidivism of the child pursuant to the guidelines and procedures*  
4 *for community notification established pursuant to section 59 of*  
5 *this act;*

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

9       (c) *Inform the child and the parent or guardian of the child*  
10 *that the child is subject to community notification as a juvenile sex*  
11 *offender and may be subject to registration and community*  
12 *notification pursuant to NRS 179D.450 to 179D.570, inclusive,*  
13 *and sections 31 to 59, inclusive, of this act, if the child is deemed*  
14 *an adult sex offender pursuant to section 81 of this act; and*

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

21       2. *The juvenile court may not terminate its jurisdiction over*  
22 *the child for the purposes of carrying out the provisions of*  
23 *sections 74 to 82, inclusive, of this act until the child is no longer*  
24 *subject to community notification as a juvenile sex offender*  
25 *pursuant to sections 74 to 82, inclusive, of this act.*

26       Sec. 79. 1. *If a child has been adjudicated delinquent for a*  
27 *sexual offense or a sexually motivated act, the probation officer or*  
28 *parole officer, as appropriate, assigned to the child shall notify the*  
29 *local law enforcement agency in whose jurisdiction the child*  
30 *resides that the child:*

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

33       (b) *Is subject to community notification as a juvenile sex*  
34 *offender.*

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

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

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





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

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

5       **Sec. 80.** 1. *If a child who has been adjudicated delinquent*  
6 *for a sexual offense or a sexually motivated act has not previously*  
7 *been relieved of being subject to community notification as a*  
8 *juvenile sex offender, the juvenile court may, at any appropriate*  
9 *time, hold a hearing to determine whether the child should be*  
10 *relieved of being subject to community notification as a juvenile*  
11 *sex offender.*

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

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

19       1. *If a child who has been adjudicated delinquent for a sexual*  
20 *offense or a sexually motivated act is not relieved of being subject*  
21 *to community notification as a juvenile sex offender before the*  
22 *child reaches 21 years of age, the juvenile court shall hold a*  
23 *hearing when the child reaches 21 years of age to determine*  
24 *whether the child should be deemed an adult sex offender for the*  
25 *purposes of registration and community notification pursuant to*  
26 *NRS 179D.450 to 179D.570, inclusive, and sections 31 to 59,*  
27 *inclusive, of this act.*

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

33       3. *If the juvenile court determines at the hearing that the*  
34 *child has not been rehabilitated to the satisfaction of the juvenile*  
35 *court or that the child is likely to pose a threat to the safety of*  
36 *others, the juvenile court shall deem the child an adult sex*  
37 *offender who is subject to registration and community notification*  
38 *pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 31*  
39 *to 59, inclusive, of this act.*

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

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



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

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

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

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

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

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

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

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

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

27          **Sec. 82. 1.** *The records relating to a child must not be*  
28 *sealed pursuant to the provisions of NRS 62H.100 to 62H.170,*  
29 *inclusive, while the child is subject to community notification as a*  
30 *juvenile sex offender.*

31          2. *If a child is deemed an adult sex offender pursuant to*  
32 *section 81 of this act, is convicted of a sexual offense, as defined*  
33 *in section 38 of this act, before reaching 21 years of age or is*  
34 *otherwise subject to registration and community notification*  
35 *pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 31*  
36 *to 59, inclusive, of this act before reaching 21 years of age:*

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

40          (b) *Each delinquent act committed by the child that would*  
41 *have been a sexual offense, as defined in section 38 of this act, if*  
42 *committed by an adult shall be deemed to be a criminal conviction*  
43 *for the purposes of:*



*(1) Registration and community notification pursuant to NRS 179D.450 to 179D.570, inclusive, and sections 31 to 59, inclusive, of this act; and*

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

**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. 85.** NRS 118A.335 is hereby amended to read as follows:

118A.335 1. Except as otherwise provided in subsection 6, a landlord of dwelling units intended and operated exclusively for persons 55 years of age and older may not employ any person who will work 36 hours or more per week and who will have access to all dwelling units to perform work on the premises unless the person has obtained a work card issued pursuant to subsection 2 by the sheriff of the county in which the dwelling units are located and renewed that work card as necessary.

2. The sheriff of a county shall issue a work card to each person who is required by this section to obtain a work card and who complies with the requirements established by the sheriff for the issuance of such a card. A work card issued pursuant to this section must be renewed:

(a) Every 5 years; and

(b) Whenever the person changes his or her employment to perform work for an employer other than the employer for which the person's current work card was issued.

3. Except as otherwise provided in subsection 4, if the sheriff of a county requires an applicant for a work card to be investigated:

(a) The applicant must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the sheriff to forward the fingerprints to the Central



1 Repository for Nevada Records of Criminal History for submission  
2 to the Federal Bureau of Investigation for its report.

3 (b) The sheriff shall submit the fingerprints to the Central  
4 Repository for Nevada Records of Criminal History for submission  
5 to the Federal Bureau of Investigation to determine the criminal  
6 history of the applicant.

7 (c) The sheriff may issue a temporary work card pending the  
8 determination of the criminal history of the applicant by the Federal  
9 Bureau of Investigation.

10 4. The sheriff of a county shall not require an investigation of  
11 the criminal history of an employee or independent contractor of an  
12 agency or facility governed by NRS 449.122 to 449.125, inclusive,  
13 and 449.174 who has had his or her fingerprints submitted to the  
14 Central Repository for Nevada Records of Criminal History  
15 pursuant to NRS 449.123 for an investigation of his or her criminal  
16 history within the immediately preceding 6 months.

17 5. The sheriff shall not issue a work card to any person who:

18 (a) Has been convicted of a category A, B or C felony or of a  
19 crime in another state which would be a category A, B or C felony if  
20 committed in this State;

21 (b) Has been convicted of a sexual offense;

22 (c) Has been convicted of a crime against any person who is 60  
23 years of age or older or against a vulnerable person for which an  
24 additional term of imprisonment may be imposed pursuant to NRS  
25 193.167 or the laws of any other jurisdiction;

26 (d) Has been convicted of a battery punishable as a gross  
27 misdemeanor; or

28 (e) Within the immediately preceding 5 years:

29 (1) Has been convicted of a theft; or

30 (2) Has been convicted of a violation of any state or federal  
31 law regulating the possession, distribution or use of a controlled  
32 substance.

33 6. The following persons are not required to obtain a work card  
34 pursuant to this section:

35 (a) A person who holds a permit to engage in property  
36 management pursuant to chapter 645 of NRS.

37 (b) An independent contractor. As used in this paragraph,  
38 "independent contractor" means a person who performs services for  
39 a fixed price according to the person's own methods and without  
40 subjection to the supervision or control of the landlord, except as to  
41 the results of the work, and not as to the means by which the  
42 services are accomplished.

43 (c) An offender in the course and scope of his or her  
44 employment in a work program directed by the warden, sheriff,



1 administrator or other person responsible for administering a prison,  
2 jail or other detention facility.

3 (d) A person performing work through a court-assigned  
4 restitution or community-service program.

5 7. If the sheriff does not issue a work card to a person because  
6 the information received from the Central Repository for Nevada  
7 Records of Criminal History indicates that the person has been  
8 convicted of a crime listed in subsection 5 and the person believes  
9 that the information provided by the Central Repository is incorrect,  
10 the person may immediately inform the sheriff. If the sheriff is so  
11 informed, the sheriff shall give the person at least 30 days in which  
12 to correct the information before terminating the temporary work  
13 card issued pursuant to subsection 3.

14 8. As used in this section, unless the context otherwise  
15 requires:

16 (a) "Sexual offense" has the meaning ascribed to it in ~~NRS~~  
17 ~~179D.097~~ *section 38 of this act.*

18 (b) "Vulnerable person" has the meaning ascribed to it in  
19 NRS 200.5092.

20 **Sec. 86.** NRS 213.1099 is hereby amended to read as follows:

21 213.1099 1. Except as otherwise provided in this section and  
22 NRS 213.1215, the Board may release on parole a prisoner who is  
23 otherwise eligible for parole pursuant to NRS 213.107 to 213.157,  
24 inclusive.

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

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

29 (b) Whether the release is incompatible with the welfare of  
30 society;

31 (c) The seriousness of the offense and the history of criminal  
32 conduct of the prisoner;

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

35 (e) Any documents or testimony submitted by a victim notified  
36 pursuant to NRS 213.131 or 213.10915.

37 3. When a person is convicted of a felony and is punished by a  
38 sentence of imprisonment, the person remains subject to the  
39 jurisdiction of the Board from the time the person is released on  
40 parole under the provisions of this chapter until the expiration of the  
41 maximum term or the maximum aggregate term of imprisonment  
42 imposed by the court, as applicable, less any credits earned to  
43 reduce his or her sentence pursuant to chapter 209 of NRS.

44 4. Except as otherwise provided in NRS 213.1215, the Board  
45 may not release on parole a prisoner whose sentence to death or to



life without possibility of parole has been commuted to a lesser penalty unless the Board finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order to be detained to answer for a crime or violation of parole or probation in another jurisdiction, and does not have a history of:

(a) Recent misconduct in the institution, and has been recommended for parole by the Director of the Department of Corrections;

(b) Repetitive criminal conduct;

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

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

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

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

6. The Board shall not release on parole an offender convicted of an offense listed in ~~NRS 179D.097~~ *section 38 of this act* until the ~~Central Repository for Nevada Records of Criminal History~~ *law enforcement agency in whose jurisdiction the offender will be released on parole* has been provided an opportunity to give the notice required *by the Attorney General* pursuant to ~~NRS 179D.475~~ *sections 43 to 59, inclusive, of this act.*

**Sec. 87.** 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 *assigned* a Tier ~~3-offender~~ *III level of notification as defined in section 50 of this act.*

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 *assigned* a Tier ~~3-offender~~ *III level of notification, as defined in section 50 of this act*, 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.



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

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

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

14 8. Except as otherwise provided in subsection 7, a sex offender  
15 who commits a violation of a condition imposed on him or her  
16 pursuant to the program of lifetime supervision is guilty of a  
17 category B felony and shall be punished by imprisonment in the  
18 state prison for a minimum term of not less than 1 year and a  
19 maximum term of not more than 6 years, and may be further  
20 punished by a fine of not more than \$5,000.

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

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

32 11. If a court issues a warrant for arrest for a violation of this  
33 section, the court shall cause to be transmitted, in the manner  
34 prescribed by the Central Repository for Nevada Records of  
35 Criminal History, notice of the issuance of the warrant for arrest in a  
36 manner which ensures that such notice is received by the Central  
37 Repository within 3 business days.

38 12. For the purposes of prosecution of a violation by a sex  
39 offender of a condition imposed upon him or her pursuant to the  
40 program of lifetime supervision, the violation shall be deemed to  
41 have occurred in, and may only be prosecuted in, the county in  
42 which the court that imposed the sentence of lifetime supervision  
43 pursuant to NRS 176.0931 is located, regardless of whether the acts  
44 or conduct constituting the violation took place, in whole or in part,  
45 within or outside that county or within or outside this State.





1       **Sec. 88.** NRS 213.1245 is hereby amended to read as follows:  
2       213.1245 1. Except as otherwise provided in subsection 3, if  
3       the Board releases on parole a prisoner convicted of an offense  
4       listed in ~~NRS 179D.097,~~ *section 38 of this act*, the Board shall, in  
5       addition to any other condition of parole, require as a condition of  
6       parole that the parolee:

7       (a) Reside at a location only if:

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

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

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

16       (b) Accept a position of employment or a position as a volunteer  
17       only if it has been approved by the parole and probation officer  
18       assigned to the parolee and keep the parole and probation officer  
19       informed of the location of his or her position of employment or  
20       position as a volunteer.

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

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

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

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

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

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

38       (i) Not use aliases or fictitious names.

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

42       (k) Not have contact with a person less than 18 years of age in a  
43       secluded environment unless another adult who has never been  
44       convicted of an offense listed in ~~NRS 179D.097,~~ *section 38 of this*  
45       *act* is present and permission has been obtained from the parole and



1 probation officer assigned to the parolee in advance of each such  
2 contact.

3 (l) Unless approved by the parole and probation officer assigned  
4 to the parolee and by a psychiatrist, psychologist or counselor  
5 treating the parolee, if any, not knowingly be within 500 feet of any  
6 place, or if the place is a structure, within 500 feet of the actual  
7 structure, that is designed primarily for use by or for children,  
8 including, without limitation, a public or private school, a school  
9 bus stop, a center or facility that provides day care services, a video  
10 arcade, an amusement park, a playground, a park, an athletic field or  
11 a facility for youth sports, or a motion picture theater. The  
12 provisions of this paragraph apply only to a parolee who is *assigned*  
13 a Tier ~~13-offender-~~ *III level of notification as defined in section 50*  
14 *of this act.*

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

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

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

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

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

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

41 (a) The victim or the witness;

42 (b) The parolee;

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

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



\* S B 9 9 \*

(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. 89.** 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 against a child under the age of 14 years and who is *assigned* a Tier ~~1-3 offender,~~ *III level of notification, as defined in section 50 of this act*, 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



1 this subsection do not prohibit a person authorized by the Division  
2 from performing maintenance or repairs to an electronic monitoring  
3 device.

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

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

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

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

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

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

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

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

27 (d) Lewdness with a child pursuant to NRS 201.230;

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

30 (f) Any combination of the crimes listed in this subsection.

31 **Sec. 90.** NRS 458.300 is hereby amended to read as follows:

32 458.300 Subject to the provisions of NRS 458.290 to 458.350,  
33 inclusive, an alcoholic or a drug addict who has been convicted of a  
34 crime is eligible to elect to be assigned by the court to a program of  
35 treatment for the abuse of alcohol or drugs pursuant to NRS 453.580  
36 before he or she is sentenced unless:

37 1. The crime is:

38 (a) A crime against the person punishable as a felony or gross  
39 misdemeanor as provided in chapter 200 of NRS;

40 (b) A crime against a child as defined in ~~NRS 179D.0357;~~  
41 *section 21 of this act;*

42 (c) A sexual offense as defined in ~~NRS 179D.097;~~ *section 38*  
43 *of this act;* or

44 (d) An act which constitutes domestic violence as set forth in  
45 NRS 33.018;



2. The crime is that of trafficking of a controlled substance;  
3. The crime is a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430;

4. The alcoholic or drug addict has a record of two or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment not more than twice within the preceding 5 years.

**Sec. 91.** NRS 458A.210 is hereby amended to read as follows:

458A.210 Subject to the provisions of NRS 458A.200 to 458A.260, inclusive, a problem gambler who has been convicted of a crime and who committed the crime in furtherance or as a result of problem gambling is eligible to elect to be assigned by the court to a program for the treatment of problem gambling before he or she is sentenced unless:

1. The crime is:

(a) A crime against the person punishable as a felony or gross misdemeanor as provided in chapter 200 of NRS;

(b) A crime against a child as defined in ~~NRS 179D.0357;~~ *section 21 of this act;*

(c) A sexual offense as defined in ~~NRS 179D.097;~~ *section 38 of this act;* or

(d) An act which constitutes domestic violence as set forth in NRS 33.018;

2. The problem gambler has a record of two or more convictions of a crime described in subsection 1 or a similar crime in violation of the laws of another state, or of three or more convictions of any felony;

3. Other criminal proceedings alleging commission of a felony are pending against the problem gambler;

4. The problem gambler is on probation or parole, except that the problem gambler is eligible to make the election if the appropriate probation or parole authority consents to the election or the court finds that the problem gambler is eligible to make the election after considering any objections made by the appropriate probation or parole authority; or

5. The problem gambler has previously been assigned by a court to a program for the treatment of problem gambling, except



1 that the problem gambler is eligible to make the election if the court,  
2 in its discretion, finds that the problem gambler is eligible to make  
3 such an election.

4 **Sec. 92.** NRS 483.283 is hereby amended to read as follows:

5 483.283 1. The Department shall not issue a driver's license  
6 to an offender or renew the driver's license of an offender until the  
7 Department has received information submitted by the Central  
8 Repository pursuant to NRS 179D.570 or other satisfactory  
9 evidence indicating that the offender is in compliance with the  
10 provisions of chapter 179D of NRS.

11 2. If an offender is not in compliance with the provisions of  
12 chapter 179D of NRS, the Department:

13 (a) Shall not issue a driver's license to the offender or renew the  
14 driver's license of the offender; and

15 (b) Shall advise the offender to contact the Central Repository to  
16 determine the actions that the offender must take to be in  
17 compliance with the provisions of chapter 179D of NRS.

18 3. A driver's license issued to an offender expires on the first  
19 anniversary date of the offender's birthday, measured in the case of  
20 an original license, or a renewal license and a renewal of an expired  
21 license, from the birthday nearest the date of issuance or renewal.

22 4. The Department may adopt regulations to carry out the  
23 provisions of this section.

24 5. As used in this section:

25 (a) "Central Repository" means the Central Repository for  
26 Nevada Records of Criminal History.

27 (b) "Offender" includes an "offender convicted of a crime  
28 against a child" as defined in ~~NRS 179D.0559~~ *section 23 of this*  
29 *act* and a "sex offender" as defined in ~~NRS 179D.095~~ *section 37*  
30 *of this act*.

31 **Sec. 93.** NRS 483.861 is hereby amended to read as follows:

32 483.861 1. The Department shall not issue an identification  
33 card to an offender or renew the identification card of an offender  
34 until the Department has received information submitted by the  
35 Central Repository pursuant to NRS 179D.570 or other satisfactory  
36 evidence indicating that the offender is in compliance with the  
37 provisions of chapter 179D of NRS.

38 2. If an offender is not in compliance with the provisions of  
39 chapter 179D of NRS, the Department:

40 (a) Shall not issue an identification card to the offender or renew  
41 the identification card of the offender; and

42 (b) Shall advise the offender to contact the Central Repository to  
43 determine the actions that the offender must take to be in  
44 compliance with the provisions of chapter 179D of NRS.



3. An identification card issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original identification card, a renewal identification card and a renewal of an expired identification card, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes, without limitation, an "offender convicted of a crime against a child" as defined in ~~NRS 179D.0559~~ *section 23 of this act* and a "sex offender" as defined in ~~NRS 179D.095~~ *section 37 of this act*.

**Sec. 94.** NRS 483.929 is hereby amended to read as follows:

483.929 1. The Department shall not issue a commercial driver's license to an offender or renew the commercial driver's license of an offender until the Department has received information submitted by the Central Repository pursuant to NRS 179D.570 or other satisfactory evidence indicating that the offender is in compliance with the provisions of chapter 179D of NRS.

2. If an offender is not in compliance with the provisions of chapter 179D of NRS, the Department:

(a) Shall not issue a commercial driver's license to the offender or renew the commercial driver's license of the offender; and

(b) Shall advise the offender to contact the Central Repository to determine the actions that the offender must take to be in compliance with the provisions of chapter 179D of NRS.

3. A commercial driver's license issued to an offender expires on the first anniversary date of the offender's birthday, measured in the case of an original license, a renewal license and a renewal of an expired license, from the birthday nearest the date of issuance or renewal.

4. The Department may adopt regulations to carry out the provisions of this section.

5. As used in this section:

(a) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(b) "Offender" includes, without limitation, an "offender convicted of a crime against a child" as defined in ~~NRS 179D.0559~~ *section 23 of this act* and a "sex offender" as defined in ~~NRS 179D.095~~ *section 37 of this act*.



1       **Sec. 95.** NRS 62F.200, 62F.220, 62F.260, 179D.0357,  
2       179D.0557, 179D.0559, 179D.075, 179D.095, 179D.097,  
3       179D.113, 179D.115, 179D.117, 179D.441, 179D.443, 179D.445,  
4       179D.475 and 179D.495 are hereby repealed.

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**LEADLINES OF REPEALED SECTIONS**

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**62F.200** “Sexual offense” defined.

**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.

**62F.260** Records not sealed during period of registration and community notification.

**179D.0357** “Crime against a child” defined.

**179D.0557** “Nonresident offender or sex offender who is a student or worker within this State” and “nonresident offender or sex offender” defined.

**179D.0559** “Offender convicted of a crime against a child” and “offender” defined.

**179D.075** “Registration” defined.

**179D.095** “Sex offender” defined.

**179D.097** “Sexual offense” defined.

**179D.113** “Tier I offender” defined.

**179D.115** “Tier II offender” defined.

**179D.117** “Tier III offender” defined.

**179D.441** Duty to register and to keep registration current.

**179D.443** Information required for registration; provision of biological specimen; duties of local law enforcement agency.

**179D.445** Initial registration with local law enforcement agency of jurisdiction in which convicted.

**179D.475** Community notification.

**179D.495** Duty of Central Repository to determine whether person is required to register as a Tier I, Tier II or Tier III offender.

