

SENATE BILL NO. 99—SENATOR SEGERBLOM

PREFILED JANUARY 30, 2015

JOINT SPONSOR: ASSEMBLYWOMAN FIORE

Referred to Committee on Judiciary

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

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

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

AN ACT relating to crimes; revising provisions governing registration and community notification of sex offenders and offenders convicted of a crime against a child; revising provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that offenders convicted of certain sexual offenses or certain crimes against a child are subject to certain registration and community notification requirements. (NRS 179D.010-179D.550) **Section 63.3** of this bill removes the requirement that the law enforcement agency with which such an offender registers ensure that the offender's record of registration contains the text of the provision of law which the offender was convicted of violating and certain specific information concerning the criminal history of the offender.

Under existing law, a sex offender or offender convicted of a crime against a child must update his or her registration not later than 3 business days after a change in the offender's name, residence or employment or student status. (NRS 179D.447) Existing law also requires a sex offender to update certain information regarding his or her presence in the State within 48 hours after a change in such information. (NRS 179D.470) **Section 63.7** of this bill provides that a sex offender or offender convicted of a crime against a child must submit updates of the information not later than 48 hours after a change in the information. **Sections 63.7 and 65.5** of this bill add a requirement that a sex offender or an offender convicted



of a crime against a child update his or her registration when there is a change to: (1) the driver's license or identification card issued to him or her by this State or another jurisdiction; or (2) the description of the vehicle registered to or frequently driven by him or her. **Section 65** of this bill requires the local law enforcement agency with which a sex offender or offender convicted of a crime against a child registers to inform him or her of the information that must be updated

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

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

Under **section 78**, the juvenile court is required to: (1) notify the Central Repository for Nevada Records of Criminal History when a child is adjudicated delinquent for certain sexual offenses so that the Central Repository may carry out the provisions of law governing the registration of the child as a sex offender; and (2) inform the child that he or she is subject to certain requirements for registration and community notification applicable to sex offenders. **Section 78** further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child of the requirement to register as a sex offender or orders that the child continue to be subject to registration and community notification after the child becomes 21 years of age.

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



be subject to community notification or be placed on the community notification website.

**Section 81** requires the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the juvenile court finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the juvenile court must relieve the child from the requirement for registration and community notification as a sex offender. 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 must order that the child is 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.** (Deleted by amendment.)

**Sec. 2.** (Deleted by amendment.)

**Sec. 3.** (Deleted by amendment.)

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1      **Sec. 32.** (Deleted by amendment.)

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28     **Sec. 59.** (Deleted by amendment.)

29     **Sec. 60.** (Deleted by amendment.)

30     **Sec. 61.** (Deleted by amendment.)

31     **Sec. 62.** NRS 179D.035 is hereby amended to read as follows:  
32     179D.035    ~~["Convicted"]~~

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

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

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

40     *2. The term does not include an adjudication of delinquency*  
41     *by a court having jurisdiction over juveniles if, pursuant to section*  
42     *81 of this act, the court has relieved the juvenile of being subject to*  
43     *registration and community notification pursuant to NRS*  
44     *179D.010 to 179D.550, inclusive.*

45     **Sec. 63.** (Deleted by amendment.)



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

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

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

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

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

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

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

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

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

(7) Any other information required by federal law.

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

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

(1) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

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

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

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



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

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

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

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

~~(5)}~~ (3) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

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

2. As used in this section:

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

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

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

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

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

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

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

2. The local law enforcement agency shall immediately provide the updated information provided by an offender or sex offender pursuant to subsection 1 to the Central Repository and to all other jurisdictions in which the offender or sex offender is required to register.

**Sec. 64.** NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted



1 of a crime against a child, pursuant to NRS 176.0927 that a sex  
2 offender has been convicted of a sexual offense or pursuant to ~~NRS~~  
3 ~~62F.220~~ *section 78 of this act* that ~~[a]~~ juvenile has been adjudicated  
4 delinquent for an offense for which the juvenile is subject to  
5 registration and community notification pursuant to *sections 74 to*  
6 *82, inclusive, of this act and* NRS 179D.010 to 179D.550,  
7 inclusive, the Central Repository shall:

8 (a) If a record of registration has not previously been established  
9 for the offender or sex offender, notify the local law enforcement  
10 agency so that a record of registration may be established; or

11 (b) If a record of registration has previously been established for  
12 the offender or sex offender, update the record of registration for the  
13 offender or sex offender and notify the appropriate local law  
14 enforcement agencies.

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

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

23 (b) ~~[Immediately]~~ *Except as otherwise provided in section 80.5*  
24 *of this act*, provide community notification concerning the offender  
25 or sex offender pursuant to the provisions of NRS 179D.475.

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

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

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

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

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

44 (III) The duty to register in any other jurisdiction during  
45 any period in which the offender or sex offender is a resident of the



other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

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

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

(VI) The duty to notify immediately the appropriate local law enforcement agency if the offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education or if the offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher 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, 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~~ *Except as otherwise provided in section 80.5 of this act, provide* community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475; 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 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





1 or sex offender is now residing or is a student or worker within this  
2 State, the Central Repository shall:

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

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

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

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

11 179D.460 1. In addition to any other registration that is  
12 required pursuant to NRS 179D.450, each offender or sex offender  
13 who, after July 1, 1956, is or has been convicted of a crime against a  
14 child or a sexual offense shall register with a local law enforcement  
15 agency pursuant to the provisions of this section.

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

18 (a) A county; or

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

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

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

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

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

42 (a) The offender or sex offender is, expects to be or becomes  
43 enrolled as a student at an institution of higher education or changes  
44 the date of commencement or termination of the offender or sex  
45 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 , *palm prints* 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 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~~ :

(1) *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;*

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

(3) *There is a change in the description of the motor vehicle registered to or frequently driven by the offender or sex offender;* 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 , *palm prints* 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 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 community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

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

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

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

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

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

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

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

(a) If the sex offender has changed an address within this State, the Central Repository shall immediately provide notification



concerning the sex offender to the local law enforcement agency in whose jurisdiction the sex offender is now residing or is a student or worker and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided or was a student or worker; or

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

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

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

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

(a) Not less frequently than annually, *on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender*, if the offender or sex offender is a Tier I offender;

(b) Not less frequently than every 180 days, *on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender*, if the offender or sex offender is a Tier II offender; or

(c) Not less frequently than every 90 days, *on or before the anniversary of the date on which the Central Repository established a record of registration for the offender or sex offender*, if the offender or sex offender is a Tier III offender,

and shall allow the appropriate local law enforcement agency to collect a current set of fingerprints and palm prints, a current photograph and all other information that is relevant to updating the offender or sex offender's record of registration, including, but not limited to, any change in the offender or sex offender's name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor



vehicle registered to or frequently driven by the offender or sex offender.

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

(a) 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 is not required to comply with the provisions of subsection 1 during any period in which the offender or sex offender is incarcerated or confined.

**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 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 to register is reduced pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3 ~~and~~ *and section 81 of this act*, 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 sex offender complies with the provisions for registration:

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

(b) For an interval of at least 25 consecutive years, if the 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, *is not convicted of a violation of subsection 8 of NRS 213.1243*, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, the offender or sex offender may file a petition to reduce the period of



time during which the offender or sex offender has a duty to register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

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

(a) If 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.

**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 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, *a change to the driver's license or identification card issued to the offender or sex offender by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the offender or sex offender*, as required pursuant to NRS 179D.447;

(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 to 179D.550, inclusive,  
➤ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. An offender or 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.** (Deleted by amendment.)

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

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

62A.030 1. "Child" means:

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

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

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

2. The term does not include:

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

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

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

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

62B.410 Except as otherwise provided in NRS 62F.110 and ~~62F.220,~~ *sections 78 and 81 of this act,* if a child is subject to the jurisdiction of the juvenile court, the juvenile court:

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

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

**Sec. 73.** Chapter 62F of NRS is hereby amended by adding thereto the provisions set forth as sections 74 to 82, inclusive, of this act.

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

**Sec. 74.5.** "Aggravated sexual offense" means:

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



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

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

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

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

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

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

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

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

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

1. Sexual assault pursuant to NRS 200.366;

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

3. Lewdness with a child pursuant to NRS 201.230;

4. An attempt or conspiracy to commit an offense listed in subsection 1, 2 or 3, if punishable as a felony; or

5. An aggravated sexual offense.

**Sec. 77.** (Deleted by amendment.)

**Sec. 77.5.** 1. Notwithstanding any other provision of law, a child who is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult and who was 14 years of age or older at the time of the commission of the unlawful act shall:

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

(b) Not later than 48 hours after a change of his or her name, residence or employment or student status, the issuance of or a change to the driver's license or identification card issued to the child by this State or any other jurisdiction or a change in the description of the motor vehicle registered to or frequently driven by the child, if any, update the juvenile court, the director of





juvenile services or the Youth Parole Bureau, as applicable, of such a change.

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

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

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

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

**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 and was 14 years of age or older at the time of the commission of the unlawful act, the juvenile court shall:

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

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

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

**Sec. 79.** (Deleted by amendment.)

**Sec. 80.** (Deleted by amendment.)

**Sec. 80.5.** 1. Notwithstanding any other provision of law and except as otherwise provided in this subsection, upon a motion



by a child, the juvenile court may exempt the child from community notification or exclude the child from placement on the community notification website, or both, if the juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. The juvenile court shall not exempt a child from community notification or exclude the child from placement on the community notification website if the child is adjudicated delinquent for committing an aggravated sexual offense.

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

3. In determining at the hearing whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

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

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

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

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

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

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

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

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

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

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



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

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

(a) Shall consider:

(1) The factors set forth in subsection 3;

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

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

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

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

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

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

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

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



(a) Order that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

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

(c) Inform the child that he or she is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

5. In determining at the hearing whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

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

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

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

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

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

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

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

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

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

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

7. If, pursuant to this section, the juvenile court orders that a child is subject to registration and community notification



*pursuant to NRS 179D.010 to 179D.550, inclusive, the jurisdiction of the juvenile court terminates, and the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, for the period specified in NRS 179D.490.*

**Sec. 82.** *The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

**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.** (Deleted by amendment.)

**Sec. 86.** (Deleted by amendment.)

**Sec. 87.** (Deleted by amendment.)

**Sec. 88.** (Deleted by amendment.)

**Sec. 89.** (Deleted by amendment.)

**Sec. 90.** (Deleted by amendment.)

**Sec. 91.** (Deleted by amendment.)

**Sec. 92.** (Deleted by amendment.)

**Sec. 93.** (Deleted by amendment.)

**Sec. 94.** (Deleted by amendment.)

**Sec. 95.** NRS 62F.200, 62F.220 and 62F.260 are hereby repealed.



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**TEXT OF REPEALED SECTIONS**

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**62F.200 “Sexual offense” defined.**

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

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

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

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

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

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

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

2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.



**62F.260 Records not sealed during period of registration and community notification.**

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

