

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: February 20, 2015

Agency Submitting: Department of Public Safety, General Services

Items of Revenue or Expense, or Both	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17	Effect on Future Biennia
Rev 4757 Grant Funding (Revenue)		(\$303,904)	(\$266,000)	
Cat 26 Information Services Contract Labor (Expense)		\$183,750		
Total	0	(\$487,654)	(\$266,000)	0

Explanation

(Use Additional Sheets of Attachments, if required)

BDR 14-134 proposes to repeal the provisions of AB579 from the 2007 Legislative Session. If the proposed changes are passed, Nevada would no longer be in compliance with the Federal Sex Offender Registration and Notification Act (SORNA).

Revenue:

If passed, the division will no longer be eligible for federal grants based upon compliance with SORNA. The division has projected the potential loss of federal dollars based upon the amount of current awards received.

In addition, non-compliance with SORNA could result in a 10% penalty from the State's portion of the Justice Assistance Grant (JAG) received through the Department of Public Safety's Office of Criminal Justice Assistance. These amounts are identified within a joint response.

Expenditures:

Substantial modifications to the Sex Offender Registry's current information technology infrastructure would result with passage of this legislation. Enterprise Information Technology Services has estimated approximately 1,470 programmer hours to modify the Sex Offender Registry computer system to meet the requirements of this BDR.

The Department of Public Safety General Services Division projects a total impact of \$753,654 loss over the 2015-2017 Biennium. It is possible that the same loss of federal grants would occur over future biennia; however, we are unable to predict the potential funding loss.

Name Tammy Trio

Title ASOII

DEPARTMENT OF ADMINISTRATION'S COMMENTS

The agencies response appears reasonable.

Date Wednesday, February 04, 2015

Name Julia Teska

Title Director

DESCRIPTION OF FISCAL EFFECT

BDR/Bill/Amendment Number: BDR 14-134 SB 99

Name of Agency: General Services Division

Division/Department: Department of Public Safety

Date: February 3, 2015

SB 99 (BDR-14-134)

SECTIONS CONFLICTING WITH THE FEDERAL SEX OFFENDER REGISTRATION AND NOTIFICATION ACT (SORNA) COMPLIANCE TITLE 1 OF THE ADAM WALSH CHILD PROTECTION AND SAFETY ACT OF 2006

This bill repeals 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 resulting in the State of Nevada no longer being substantially compliant with the Sex Offender Registration and Notification Act (SORNA) requirements.

SECTION 95: SORNA requires all offenders to register with local law enforcement prior to the release from incarceration. This bill requires all offenders to report to local law enforcement to register within 48 hours upon release from incarceration.

SECTION 95: SORNA requires the collection of a biological specimen upon registration or upon updates to the registration. This bill repeals the requirement for the collection of a biological specimen upon registration or upon updates to the registration.

SECTIONS 31-61, 64-65, 86-89, and 95: Sex Offender Registration and Notification assigns a tier level derived from the conviction and the age of the victim. SORNA doesn't allow for an appeal process. This bill assigns the tier levels based on the assessment process which is compiled of multiple criteria. This bill also provides an appeal process affording the offender the opportunity to appeal via a reconsideration hearing.

SECTIONS 28, 66, and 95: The SORNA requirement for in person frequency of reporting is derived from the tier level. A tier level 1 requires in person reporting once annually. A tier level 2 requires in person reporting twice annually. A tier level 3 requires in person reporting once quarterly. This bill defines the frequency of reporting as annually via written correspondence for all offenders.

SECTIONS 29, 67, and 95: SORNA requirements define duration of registration as: tier 1 being 15 years with a provision to relieve after 10 years via a petition to the court; tier 2 being 25 years set to expire without a provision to petition the court; and tier 3 being lifetime with a provision for juveniles to relieve after 25 years via a petition to the court. This bill defines duration of registration as lifetime for all offenders with a provision for tier level 1 after 15 consecutive years via a petition to the court.

SECTIONS 21, 31-61, 64-65, 86-89, and 95: SORNA requires community notification via the public website to include all offenders with a few exceptions. This bill utilizes the tier levels to define the degree of community notification pursuant to Attorney General Guidelines which is limited to tier levels 2 and 3.

SECTIONS 31-61, 64, 75-82, and 95: SORNA defines registration to include various juvenile components such as the requirement of juvenile offenders 14 years of age or older to register for certain offenses pursuant to NRS 62F. This bill does not allow for the registration of juveniles unless deemed an adult offender via a court hearing process.

SECTIONS 28, 66, and 95: SORNA requirements include capturing palm prints whereas this bill only requires a current set of fingerprints.