

ASSEMBLY BILL NO. 395—ASSEMBLYMEN FRIERSON,  
OHRENSCHALL AND BENITEZ-THOMPSON

MARCH 20, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing juvenile justice.  
(BDR 5-853)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Contains Appropriation not included  
in Executive Budget.

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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 juveniles adjudicated delinquent for committing certain sexual offenses; revising provisions concerning the release of certain information relating to a child subject to the jurisdiction of the juvenile court; revising provisions concerning the penalty for acts of open or gross lewdness or open and indecent or obscene exposure committed in the presence of a child or a vulnerable person; providing a penalty; making appropriations; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

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) **Sections 19, 20 and 36** of this bill remove and repeal those provisions, and **sections 4-14** of this bill enact provisions governing the registration and community notification of juvenile sex offenders.

**Sections 5 and 8** 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 9** provides that a child who is adjudicated delinquent for committing certain sexual offenses and who was 14 years of age or



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older at the time of the commission of the sexual offense must: (1) register as a sex offender with the juvenile court, the 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 9** 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 10**, 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 and his or her parent or guardian that the child is subject to certain requirements for registration and community notification applicable to sex offenders. **Section 10** further prohibits the juvenile court from terminating its jurisdiction over the child until the juvenile court relieves the child from 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 11** provides that upon a motion by a child, a judge of the juvenile court may exempt the child from the requirements for community notification applicable to sex offenders or exclude the child from placement on the community notification website, or both. Under **section 11**, the judge may not exempt a child from community notification or exclude the child from the community notification website if the child is adjudicated delinquent for certain aggravated sexual offenses. The judge must hold a hearing on such a motion and must not exempt the child from community notification or exclude the child from the community notification website unless, at the hearing, the judge finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others. **Section 11** further authorizes the judge to reconsider his or her decision on a motion after considering certain factors. Finally, if the judge exempts a child from community notification or excludes the child from placement on the community notification website, or both, the judge must notify the Central Repository and the child must not be subject to community notification or be placed on the community notification website.

**Section 12** requires a judge of the juvenile court to hold a hearing when the child reaches 21 years of age or on a date reasonably near that date. If the judge finds by clear and convincing evidence that the child has been rehabilitated and does not pose a threat to the safety of others, the judge must relieve the child from the requirement for registration and community notification as a sex offender. However, if the judge determines that the child has not been rehabilitated or poses a threat to the safety of others, the judge must order that the child is subject to registration and community notification in the manner provided for adult sex offenders. **Section 13** provides that the juvenile court may not refer to a master any finding, determination or other act required to be made by the juvenile court pursuant to **sections 11 and 12**.

Existing law authorizes a director of juvenile services and the Youth Parole Bureau to release certain information concerning a child who is within the purview of the juvenile court to certain other persons involved in the juvenile justice system. To release such information to a school district, a director of juvenile services or the Youth Parole Bureau must enter into a written agreement with the school district for the sharing of the information. (NRS 62H.025) **Section 15** of this bill:



(1) revises the list of persons to whom a director of juvenile services and the Youth Parole Bureau may release information to include a law enforcement agency engaged in a criminal investigation or delinquency proceeding or involved in a situation concerning a child who is a threat to himself or herself or to the safety of others; and (2) authorizes a director of juvenile services and the Youth Parole Bureau to release information to a school district only if the written agreement with the school district provides for the sharing of data from the educational record of the child.

Existing law provides that a person who commits any act of open or gross lewdness or who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty of: (1) a gross misdemeanor for the first offense; and (2) a category D felony for any subsequent offense or for any offense committed after the offender has previously been convicted of a sexual offense. Existing law also provides that if a person commits any such offense in the presence of a child under the age of 18 years or a vulnerable person, the person is guilty of a category D felony. (NRS 201.210, 201.220) **Sections 23 and 24** of this bill provide that the increased penalty for committing the offense in the presence of a child under the age of 18 years or a vulnerable person does not apply if the person committing the offense is under the age of 18 years.

**Sections 25-35** of this bill appropriate certain sums of money to each judicial district in this State, and require that money be used for certain programs for juveniles in those judicial districts.

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

**Section 1.** 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 4 to 14, 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. 2.** NRS 62B.410 is hereby amended to read as follows:

62B.410 Except as otherwise provided in NRS 62F.110 and ~~62F.220,~~ **sections 10 and 12 of this act,** if a child is subject to the jurisdiction of the juvenile court, the juvenile court:



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

3 2. May retain jurisdiction over the child until the child reaches  
4 21 years of age.

5 **Sec. 3.** Chapter 62F of NRS is hereby amended by adding  
6 thereto the provisions set forth as sections 4 to 14, inclusive, of this  
7 act.

8 **Sec. 4.** *As used in sections 4 to 14, inclusive, of this act,*  
9 *unless the context otherwise requires, the words and terms defined*  
10 *in sections 5 to 8, inclusive, of this act have the meanings ascribed*  
11 *to them in those sections.*

12 **Sec. 5.** *“Aggravated sexual offense” means:*

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

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

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

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

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

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

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

32 **Sec. 6.** *“Community notification” means notification of a*  
33 *community pursuant to the provisions of NRS 179D.475.*

34 **Sec. 7.** *“Community notification website” has the meaning*  
35 *ascribed to it in NRS 179B.023.*

36 **Sec. 8.** 1. *“Sexual offense” means:*

37 (a) *Sexual assault pursuant to NRS 200.366;*

38 (b) *An offense involving pornography and a minor pursuant to*  
39 *NRS 200.710 to 200.730, inclusive;*

40 (c) *Lewdness with a child pursuant to NRS 201.230;*

41 (d) *An attempt or conspiracy to commit an offense listed in*  
42 *paragraph (a), (b) or (c), if punishable as a felony;*

43 (e) *An offense that is determined to be sexually motivated*  
44 *pursuant to NRS 175.547 or 207.193; or*

45 (f) *An aggravated sexual offense.*



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

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

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

**Sec. 9. 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, 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. 10. 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



1 *older at the time of the commission of the unlawful act, the*  
2 *juvenile court shall:*

3 *(a) Notify the Central Repository of the adjudication so that*  
4 *the Central Repository may carry out the provisions for*  
5 *registration and community notification of the child pursuant to*  
6 *NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14,*  
7 *inclusive, of this act.*

8 *(b) Inform the child and the parent or guardian of the child*  
9 *that the child is subject to registration and community notification*  
10 *pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 4*  
11 *to 14, inclusive, of this act.*

12 *2. The juvenile court may not terminate its jurisdiction over*  
13 *the child for the purposes of carrying out the provisions of*  
14 *sections 4 to 14, inclusive, of this act until the juvenile court,*  
15 *pursuant to section 12 of this act, has relieved the child from being*  
16 *subject to the requirements for registration and community*  
17 *notification pursuant to NRS 179D.010 to 179D.550, inclusive, or*  
18 *ordered that the child is subject to registration and community*  
19 *notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

20 **Sec. 11.** *1. Notwithstanding any other provision of law and*  
21 *except as otherwise provided in this subsection, upon a motion by*  
22 *a child, the juvenile court may exempt the child from community*  
23 *notification or exclude the child from placement on the*  
24 *community notification website, or both, if the juvenile court finds*  
25 *by clear and convincing evidence that the child is not likely to pose*  
26 *a threat to the safety of others. The juvenile court shall not exempt*  
27 *a child from community notification or exclude the child from*  
28 *placement on the community notification website if the child is*  
29 *adjudicated delinquent for committing an aggravated sexual*  
30 *offense.*

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

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

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

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

43 *(c) The plan for providing counseling, therapy or treatment to*  
44 *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 NRS 179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act will have on the treatment of the child.

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

4. If the juvenile court exempts a child from community notification or excludes a child from placement on the community notification website, or both, the juvenile court shall notify the Central Repository so that the 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 juvenile 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 juvenile court finds by clear and convincing evidence that the child is not likely to pose a threat to the safety of others.



1     **Sec. 12.** *Except as otherwise provided in sections 4 to 14,*  
2 *inclusive, of this act:*

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

9     2. *At the hearing pursuant to this section, the juvenile court*  
10 *may consider any evidence, reports, statements or other material*  
11 *which the juvenile court determines is relevant and helpful to*  
12 *determine whether the child has been rehabilitated to the*  
13 *satisfaction of the juvenile court and is not likely to pose a threat*  
14 *to the safety of others.*

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

21     4. *If, pursuant to subsection 3, the juvenile court does not*  
22 *relieve the child from being subject to registration and community*  
23 *notification pursuant to NRS 179D.010 to 179D.550, inclusive, the*  
24 *juvenile court shall:*

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

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

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

37     5. *In determining at the hearing whether the child has been*  
38 *rehabilitated to the satisfaction of the juvenile court or is likely to*  
39 *pose a threat to the safety of others, the juvenile court shall*  
40 *consider the following factors:*

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





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

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

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

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

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

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

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

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

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

25     7. *If, pursuant to this section, the juvenile court orders that a*  
26 *child is subject to registration and community notification*  
27 *pursuant to NRS 179D.010 to 179D.550, inclusive, the jurisdiction*  
28 *of the juvenile court terminates, and the child is subject to*  
29 *registration and community notification pursuant to NRS*  
30 *179D.010 to 179D.550, inclusive, for the period specified in*  
31 *NRS 179D.490.*

32     **Sec. 13.** *1. The juvenile court may not refer to a master any*  
33 *finding, determination or other act required to be made or*  
34 *performed by the juvenile court pursuant to sections 11 and 12 of*  
35 *this act.*

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

38     **Sec. 14.** *The records relating to a child must not be sealed*  
39 *pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive,*  
40 *while the child is subject to registration and community*  
41 *notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

42     **Sec. 15.** *NRS 62H.025 is hereby amended to read as follows:*  
43     62H.025 *1. Juvenile justice information is confidential and*  
44 *may only be released in accordance with the provisions of this*  
45 *section or as expressly authorized by other federal or state law.*



2. For the purpose of ensuring the safety, permanent placement, rehabilitation, educational success and well-being of a child or the safety of the public, a juvenile justice agency may release juvenile justice information to:

- (a) A director of juvenile services or his or her designee;
- (b) The Chief of the Youth Parole Bureau or his or her designee;
- (c) A district attorney or his or her designee;
- (d) An attorney representing the child;
- (e) The director of a state agency which administers juvenile justice or his or her designee;

(f) A director of a state, regional or local facility for the detention of children or his or her designee;

(g) The director of an agency which provides child welfare services or his or her designee;

(h) A guardian ad litem or court appointed special advocate who represents the child;

(i) A parent or guardian of the child;

(j) The child to whom the juvenile justice information pertains if the child has reached the age of majority, or a person who presents a release that is signed by the child who has reached the age of majority and which specifies the juvenile justice information to be released and the purpose for the release;

(k) A school district, if the juvenile justice agency and the school district have entered into a written agreement to share juvenile justice information *and data from an educational record of a child maintained by the school district* for a purpose consistent with the purposes of this section;

(l) A person or organization who has entered into a written agreement with the juvenile justice agency to provide assessments or juvenile justice services;

(m) A person engaged in bona fide research that may be used to improve juvenile justice services or secure additional funding for juvenile justice services if the juvenile justice information is provided in the aggregate and without any personal identifying information; ~~for~~

(n) A person who is authorized by a court order to receive the juvenile justice information, if the juvenile justice agency was provided with notice and opportunity to be heard before the issuance of the order ~~for~~; or

*(o) A law enforcement agency in the course of a criminal investigation, a delinquency proceeding conducted pursuant to the provisions of this title or a situation involving a child who is subject to the jurisdiction of the juvenile court and who poses a threat to himself or herself or to the safety or well-being of others.*



3. A juvenile justice agency may deny a request for juvenile justice information if:

(a) The request does not, in accordance with the purposes of this section, demonstrate good cause for the release of the information; or

(b) The release of the information would cause material harm to the child or would prejudice any court proceeding to which the child is subject.

➔ A denial pursuant to this subsection must be made in writing to the person requesting the information not later than 5 business days after receipt of the request.

4. Any juvenile justice information provided pursuant to this section may not be used to deny a child access to any service for which the child would otherwise be eligible, including, without limitation:

(a) Educational services;

(b) Social services;

(c) Mental health services;

(d) Medical services; or

(e) Legal services.

5. Except as otherwise provided in this subsection, any person who is provided with juvenile justice information pursuant to this section and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to:

(a) A district attorney who uses the information solely for the purpose of initiating legal proceedings; or

(b) A person or organization described in subsection 2 who provides a report concerning juvenile justice information to a court or other party pursuant to this title or chapter 432B of NRS.

6. As used in this section:

(a) "Juvenile justice agency" means the Youth Parole Bureau or a director of juvenile services.

(b) "Juvenile justice information" means any information which is directly related to a child in need of supervision, a delinquent child or any other child who is otherwise subject to the jurisdiction of the juvenile court.

**Sec. 16.** 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 14 of this act;* or

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

**Sec. 17.** 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 14 of this act.*

**Sec. 18.** NRS 179D.035 is hereby amended to read as follows:

179D.035 1. "Convicted" includes, but is not limited to, an adjudication of delinquency by a court having jurisdiction over juveniles if:

~~1.1~~ (a) The adjudication of delinquency is for the commission of a sexual offense that is listed in ~~NRS 62F.200;~~ *section 8 of this act;* and

~~1.2~~ (b) The offender was 14 years of age or older at the time of the offense.

*2. The term does not include an adjudication of delinquency by a court having jurisdiction over juveniles if, pursuant to section 12 of this act, the court has relieved the juvenile from being subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

**Sec. 19.** NRS 179D.0559 is hereby amended to read as follows:

179D.0559 1. "Offender convicted of a crime against a child" or "offender" means a person who, after July 1, 1956, is or has been ~~1.~~

~~—(a) Convicted;~~ *convicted* of a crime against a child that is listed in NRS 179D.0357. ~~1. or~~

~~—(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a crime against a child that is listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the crime.~~

2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

**Sec. 20.** NRS 179D.095 is hereby amended to read as follows:

179D.095 1. "Sex offender" means a person who, after July 1, 1956, is or has been ~~1.~~

~~—(a) Convicted;~~ *convicted* of a sexual offense listed in NRS 179D.097. ~~1. or~~

~~—(b) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.~~



2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

**Sec. 21.** 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 10 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, *and sections 4 to 14, inclusive, of this act*, the Central Repository shall:

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

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

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

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

(b) ~~Immediately~~ *Except as otherwise provided in section 11 of this act, immediately* provide community notification concerning the offender or sex offender pursuant to the provisions of NRS 179D.475.

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

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

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

(I) The duty to register initially with the appropriate law enforcement agency in the jurisdiction in which the offender or sex



1 offender was convicted if the offender or sex offender is not a  
2 resident of that jurisdiction pursuant to NRS 179D.445;

3 (II) The duty to register in this State during any period in  
4 which the offender or sex offender is a resident of this State or a  
5 nonresident who is a student or worker within this State and the time  
6 within which the offender or sex offender is required to register  
7 pursuant to NRS 179D.460;

8 (III) The duty to register in any other jurisdiction during  
9 any period in which the offender or sex offender is a resident of the  
10 other jurisdiction or a nonresident who is a student or worker within  
11 the other jurisdiction;

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

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

24 (VI) The duty to notify immediately the appropriate local  
25 law enforcement agency if the offender or sex offender is, expects to  
26 be or becomes enrolled as a student at an institution of higher  
27 education or changes the date of commencement or termination of  
28 the offender or sex offender's enrollment at an institution of higher  
29 education or if the offender or sex offender is, expects to be or  
30 becomes a worker at an institution of higher education or changes  
31 the date of commencement or termination of the offender or sex  
32 offender's work at an institution of higher education; and

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

38 (b) The Central Repository shall:

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

41 (2) ~~Provide~~ *Except as otherwise provided in section 11 of*  
42 *this act, provide* community notification concerning the offender or  
43 sex offender pursuant to the provisions of NRS 179D.475; and

44 (3) Provide notification concerning the offender or sex  
45 offender to the appropriate local law enforcement agencies and, if



1 the offender or sex offender will reside upon release in a jurisdiction  
2 which is outside of this State, to the appropriate law enforcement  
3 agency in that jurisdiction.

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

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

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

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

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

19 **Sec. 22.** NRS 179D.490 is hereby amended to read as follows:

20 179D.490 1. An offender convicted of a crime against a child  
21 or a sex offender shall comply with the provisions for registration  
22 for as long as the offender or sex offender resides or is present  
23 within this State or is a nonresident offender or sex offender who is  
24 a student or worker within this State, unless the period of time  
25 during which the offender or sex offender has the duty to register is  
26 reduced pursuant to the provisions of this section.

27 2. Except as otherwise provided in subsection 3 ~~H~~ and section  
28 **12 of this act**, the full period of registration is:

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

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

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

35 ➤ exclusive of any time during which the offender or sex offender  
36 is incarcerated or confined.

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

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

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



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

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

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

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

32    **Sec. 23.** NRS 201.210 is hereby amended to read as follows:

33    201.210 1. A person who commits any act of open or gross  
34 lewdness is guilty:

35    (a) Except as otherwise provided in this subsection, for the first  
36 offense, of a gross misdemeanor.

37    (b) For any subsequent offense, or if the person has previously  
38 been convicted of a sexual offense as defined in NRS 179D.097, of  
39 a category D felony and shall be punished as provided in  
40 NRS 193.130.

41    (c) For an offense committed *by a person 18 years of age or*  
42 *older* in the presence of a child under the age of 18 years or a  
43 vulnerable person as defined in paragraph (a) of subsection 8 of  
44 NRS 200.5092, of a category D felony and shall be punished as  
45 provided in NRS 193.130.





2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open or gross lewdness.

**Sec. 24.** NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his or her person, or of the person of another, is guilty:

(a) Except as otherwise provided in this subsection, for the first offense, of a gross misdemeanor.

(b) For any subsequent offense, or if the person has previously been convicted of a sexual offense as defined in NRS 179D.097, of a category D felony and shall be punished as provided in NRS 193.130.

(c) For an offense committed *by a person 18 years of age or older* in the presence of a child under the age of 18 years or a vulnerable person as defined in paragraph (a) of subsection 8 of NRS 200.5092, of a category D felony and shall be punished as provided in NRS 193.130.

2. For the purposes of this section, the breast feeding of a child by the mother of the child does not constitute an act of open and indecent or obscene exposure of her body.

**Sec. 25.** 1. There is hereby appropriated from the State General Fund to the First Judicial District of the State of Nevada the sum of \$98,280 for the Co-Occurring Mental Health Diversion Program for juveniles who have mental health issues, substance abuse issues or both.

2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the Co-Occurring Mental Health Diversion Program.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

**Sec. 26.** 1. There is hereby appropriated from the State General Fund to the Second Judicial District of the State of Nevada the sum of \$24,971 for the Girls' Evening Reporting Program.

2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the Girls' Evening Reporting Program.



3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

**Sec. 27.** 1. There is hereby appropriated from the State General Fund to the Third Judicial District of the State of Nevada the sum of \$200,000 for the Lyon County Intervention and Family Enrichment Program.

2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the Lyon County Intervention and Family Enrichment Program.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

**Sec. 28.** 1. There is hereby appropriated from the State General Fund to the Fourth Judicial District of the State of Nevada:

(a) The sum of \$131,341 for the salary and benefits for a licensed clinical social worker or licensed professional counselor to provide evaluations and counseling for juveniles.

(b) The sum of \$154,044 for the *The Leader in Me* program.

2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the salary and benefits and the program set forth in subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was



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1 appropriated or the entity to which the money was subsequently  
2 granted or transferred, and must be reverted to the State General  
3 Fund on or before September 20, 2019.

4 **Sec. 29.** 1. There is hereby appropriated from the State  
5 General Fund to the Fifth Judicial District of the State of Nevada the  
6 sum of \$51,750 for the Detention Alternatives for Youth program to  
7 provide alternatives to placing juveniles in detention facilities by  
8 providing after school and summer programs.

9 2. The money appropriated by subsection 1 must be used to  
10 supplement and not supplant or cause to be reduced any other source  
11 of funding for the Detention Alternatives for Youth program.

12 3. Any remaining balance of the appropriation made by  
13 subsection 1 must not be committed for expenditure after June 30,  
14 2019, by the entity to which the appropriation is made or any entity  
15 to which money from the appropriation is granted or otherwise  
16 transferred in any manner, and any portion of the appropriated  
17 money remaining must not be spent for any purpose after  
18 September 20, 2019, by either the entity to which the money was  
19 appropriated or the entity to which the money was subsequently  
20 granted or transferred, and must be reverted to the State General  
21 Fund on or before September 20, 2019.

22 **Sec. 30.** 1. There is hereby appropriated from the State  
23 General Fund to the Sixth Judicial District of the State of Nevada  
24 the sum of \$98,200 for the Willing to Rise Above the Pressure  
25 program to provide comprehensive case management for juveniles  
26 who are referred to the juvenile justice system.

27 2. The money appropriated by subsection 1 must be used to  
28 supplement and not supplant or cause to be reduced any other source  
29 of funding for the Willing to Rise Above the Pressure program.

30 3. Any remaining balance of the appropriation made by  
31 subsection 1 must not be committed for expenditure after June 30,  
32 2019, by the entity to which the appropriation is made or any entity  
33 to which money from the appropriation is granted or otherwise  
34 transferred in any manner, and any portion of the appropriated  
35 money remaining must not be spent for any purpose after  
36 September 20, 2019, by either the entity to which the money was  
37 appropriated or the entity to which the money was subsequently  
38 granted or transferred, and must be reverted to the State General  
39 Fund on or before September 20, 2019.

40 **Sec. 31.** 1. There is hereby appropriated from the State  
41 General Fund to the Seventh Judicial District of the State of Nevada:

42 (a) The sum of \$6,798 to be used to transport juveniles who are  
43 referred to the juvenile justice system to counseling services.

44 (b) The sum of \$60,300 for a day and night reporting center to  
45 provide alternatives to detention for juveniles.



2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the purposes set forth in subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

**Sec. 32.** 1. There is hereby appropriated from the State General Fund to the Eighth Judicial District of the State of Nevada:

(a) The sum of \$1,978,250 for a Juvenile Assessment Center in the District.

(b) The sum of \$400,000 for programs to divert young women from the juvenile justice system and connect young women to meaningful research-based treatment.

2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding for the purposes set forth in subsection 1.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2019, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2019.

**Sec. 33.** 1. There is hereby appropriated from the State General Fund to the Ninth Judicial District of the State of Nevada the sum of \$100,000 to provide comprehensive mental health services to juveniles coming into contact with the juvenile justice system.

2. The money appropriated by subsection 1 must be used to supplement and not supplant or cause to be reduced any other source of funding to provide comprehensive mental health services to juveniles coming into contact with the juvenile justice system.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2019, by the entity to which the appropriation is made or any entity



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1 to which money from the appropriation is granted or otherwise  
2 transferred in any manner, and any portion of the appropriated  
3 money remaining must not be spent for any purpose after  
4 September 20, 2019, by either the entity to which the money was  
5 appropriated or the entity to which the money was subsequently  
6 granted or transferred, and must be reverted to the State General  
7 Fund on or before September 20, 2019.

8 **Sec. 34.** 1. There is hereby appropriated from the State  
9 General Fund to the Tenth Judicial District of the State of Nevada  
10 the sum of \$15,000 to provide sex offender treatment to juveniles in  
11 the Teurman Hall Detention Facility.

12 2. The money appropriated by subsection 1 must be used to  
13 supplement and not supplant or cause to be reduced any other source  
14 of funding to provide sex offender treatment to juveniles in the  
15 Teurman Hall Detention Facility.

16 3. Any remaining balance of the appropriation made by  
17 subsection 1 must not be committed for expenditure after June 30,  
18 2019, by the entity to which the appropriation is made or any entity  
19 to which money from the appropriation is granted or otherwise  
20 transferred in any manner, and any portion of the appropriated  
21 money remaining must not be spent for any purpose after  
22 September 20, 2019, by either the entity to which the money was  
23 appropriated or the entity to which the money was subsequently  
24 granted or transferred, and must be reverted to the State General  
25 Fund on or before September 20, 2019.

26 **Sec. 35.** 1. There is hereby appropriated from the State  
27 General Fund to the Eleventh Judicial District of the State of  
28 Nevada:

29 (a) The sum of \$36,000 to provide comprehensive mental health  
30 evaluations or assessments to juveniles who are referred to the  
31 juvenile justice system.

32 (b) The sum of \$216,000 to provide residential substance abuse  
33 treatment to juveniles at the Western Nevada Regional Youth  
34 Center.

35 2. The money appropriated by subsection 1 must be used to  
36 supplement and not supplant or cause to be reduced any other source  
37 of funding for the purposes set forth in subsection 1.

38 3. Any remaining balance of the appropriation made by  
39 subsection 1 must not be committed for expenditure after June 30,  
40 2019, by the entity to which the appropriation is made or any entity  
41 to which money from the appropriation is granted or otherwise  
42 transferred in any manner, and any portion of the appropriated  
43 money remaining must not be spent for any purpose after  
44 September 20, 2019, by either the entity to which the money was  
45 appropriated or the entity to which the money was subsequently



1 granted or transferred, and must be reverted to the State General  
2 Fund on or before September 20, 2019.

3 **Sec. 36.** NRS 62F.200, 62F.220 and 62F.260 are hereby  
4 repealed.

5 **Sec. 37.** This act becomes effective on July 1, 2017.

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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.

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