

Amendment No. 431

Senate Amendment to Senate Bill No. 169 (BDR 15-472)

Proposed by: Senate Committee on Judiciary

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate not requested by the affected local government to S.B. 169 (§§ 1.3, 1.7).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red-strikethrough~~ is deleted language in the original bill; (4) ~~purple double-strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.





## SENATE BILL NO. 169—SENATOR HARRIS

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to sexual offenses. (BDR 15-472)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

CONTAINS UNFUNDED MANDATE ~~[(§ 1)]~~ [(§§ 1.3, 1.7)]  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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; requiring ~~[the Department of Public Safety]~~ **each law enforcement agency in this State** to establish a sexual assault forensic evidence kit tracking program; **requiring a law enforcement agency to submit sexual assault forensic evidence kits to a forensic laboratory within a certain period of time after receipt thereof; requiring a forensic laboratory, upon request of a victim, to test a sexual assault forensic evidence kit within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis;** prohibiting employees and contractors of and volunteers for certain entities from engaging in sexual conduct with children or young adults under the care, custody, control or supervision of the entity; ~~[providing that employees and contractors of and volunteers for certain entities who engage in sexual conduct with children or young adults under the care, custody, control or supervision of the entity are subject to various statutory provisions relating to sex offenders; increasing the statute of limitations for sexual assault;]~~ making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Section ~~[(1)]~~ **1.3** of this bill requires ~~[the Department of Public Safety]~~ **each law enforcement agency that receives sexual assault forensic evidence kits, also known as "SAFE kits,"** to: (1) establish a program to track ~~[sexual assault forensic evidence]~~ **SAFE kits;** **and** (2) provide access to the program ~~[for]~~ **to** certain victims and agencies. ~~[(1) and (2) submit a biannual report concerning the program to the Governor and the Director of the~~

Legislative Counsel Bureau for transmittal to a Subcommittee of the Advisory Commission on the Administration of Justice. Section 1 also requires certain agencies and persons with custody of sexual assault forensic evidence kits to participate in the program. Finally, section 4 Section 1.3 also provides civil immunity to certain persons who participate in the program in good faith and without gross negligence.

Section 1.7 of this bill requires a law enforcement agency to submit a SAFE kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. Section 1.7 also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency to: (1) test the SAFE kit not later than 180 days after receiving the SAFE kit, if the victim of a sexual assault requests such testing; and (2) report annually to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and to the Director of the Legislative Counsel Bureau, for transmittal to the next session of the Legislature, or to the Legislative Commission, as applicable. The report must include information concerning the number of SAFE kits that have been in the possession of the forensic laboratory for a period longer than 1 year and which have not been tested.

Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. (NRS 176.01246) Section 10 of this bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of ~~sexual assault forensic evidence~~ SAFE kits.

Existing law ~~1- (1)~~ imposes criminal penalties on certain employees of or volunteers at a school who engage in sexual conduct with certain pupils, ~~1- and (2) provides that a person who commits such an offense is subject to various statutory provisions relating to sex offenders. (NRS 176.0931, 176.133, 176.135, 176A.110, 176A.410, 178.5698, 179.245, 179D.097, 179D.405, 201.540, 213.1090, 213.1214, 213.1243, 213.1245) This~~ Section 8 of this bill enacts similar provisions to impose criminal penalties on certain employees or contractors of and volunteers for certain entities who engage in sexual conduct with a child or young adult under the care, custody, control or supervision of the entity, ~~1-~~

~~1- Section 8 of this bill~~ provides that a person is guilty of a category C felony if he or she: (1) is ~~124~~ 25 years of age or older; (2) is ~~licensed to conduct a foster home or~~ in a position of authority as an employee or contractor of or volunteer for an agency which provides child welfare services, a department of juvenile justice services, foster home or the Youth Parole Bureau; and (3) engages in sexual conduct with a person who is 16 years of age or older but less than ~~124~~ 18 years of age and who is under the care, custody, control or supervision of the agency, department or Bureau.

Sections 2-7 of this bill expand the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

~~1- Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) Sections 11 and 18 of this bill add to the list of sexual offenses that require a sentence of lifetime supervision and for which certain conditions of lifetime supervision apply an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.~~

~~1- Existing law: (1) requires a person convicted of certain sexual offenses to undergo a psychosexual evaluation as part of the presentence investigation and report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits the court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses, unless the person who conducts the psychosexual evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.133, 176.139, 176A.110) Sections 12 and 12 of this bill add to the list of sexual offenses that require a psychosexual evaluation as part of the presentence investigation and report a~~

certification that the person convicted does not represent a high risk to reoffend before the person may be granted probation or have his or her sentence suspended an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law requires the prosecuting attorney, sheriff or chief of police, upon request, to inform a victim or witness of certain sexual offenses: (1) when the defendant is released from custody at any time before or during the defendant's trial; and (2) of the final disposition of the case involving the victim or witness. (NRS 178.5609) Section 14 of this bill adds to the list of offenses that are subject to such notification requirements an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law allows a person convicted of certain offenses to petition the court for the sealing of all records relating to the conviction, but does not authorize the sealing of records relating to a conviction of certain sexual offenses. (NRS 179.245) Section 15 of this bill adds to the list of sexual offenses for which the sealing of records is not authorized an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.225, 176A.410, 179D.007, 212.1090, 212.1245) Section 16 of this bill revises the list of sexual offenses to which these statutory provisions apply to include an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner. The State Board of Parole Commissioners must consider the assessment before determining whether to grant or revoke the parole of a person convicted of a sexual offense. (NRS 212.1214) Section 19 of this bill adds to the list of sexual offenses that require such an assessment an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law requires that criminal proceedings for sexual assault must commence, by way of indictment, information or complaint, within 20 years after the commission of the offense. (NRS 171.085) Section 9 of this bill requires that a criminal proceeding for sexual assault be commenced within 20 years after the commission of the offense.

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

**Section 1.** Chapter 200 of NRS is hereby amended by adding thereto ~~the new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.7 of this act.

**Sec. 1.3. 1.** ~~The Department of Public Safety~~ Each law enforcement agency that receives sexual assault forensic evidence kits shall establish a statewide program to track sexual assault forensic evidence kits. The Department law enforcement agency may contract with any appropriate public

1 or private agency, organization or institution to carry out the provisions of this  
2 section ~~+~~, including, without limitation, entering into an interlocal agreement  
3 pursuant to NRS 277.080 to 277.180, inclusive, with another law enforcement  
4 agency that has established a program to track sexual assault forensic evidence  
5 kits.

6 2. ~~The~~ A program to track sexual assault forensic evidence kits must:

7 (a) Track the location and status of sexual assault forensic evidence kits,  
8 including, without limitation, the initial forensic medical examination, receipt by  
9 ~~+~~ the law enforcement agency and receipt and genetic marker analysis at a  
10 forensic laboratory.

11 (b) Allow providers of health care who perform forensic medical  
12 examinations, law enforcement agencies, prosecutors, forensic laboratories and  
13 any other entities having sexual assault forensic evidence kits in their custody to  
14 track the status and location of sexual assault forensic evidence kits.

15 (c) Allow a victim of sexual assault to anonymously track or receive updates  
16 regarding the status and location of his or her sexual assault forensic evidence  
17 kit.

18 3. ~~The Department shall, on or before January 1 and July 1 of each year,~~  
19 ~~submit to the Governor and the Director of the Legislative Counsel Bureau for~~  
20 ~~transmittal to the Subcommittee to Review DNA of the Advisory Commission on~~  
21 ~~the Administration of Justice and post on the Internet website maintained by the~~  
22 ~~Department a report concerning the statewide program to track sexual assault~~  
23 ~~forensic evidence kits. The report must include:~~

24 ~~(a) The number of sexual assault forensic evidence kits in the program in~~  
25 ~~each county.~~

26 ~~(b) The number of sexual assault forensic evidence kits where genetic~~  
27 ~~marker analysis has been completed in each county during the last 6 months.~~

28 ~~(c) The number of sexual assault forensic evidence kits added to the program~~  
29 ~~in each county during the last 6 months.~~

30 ~~(d) The number of sexual assault forensic evidence kits where genetic~~  
31 ~~marker analysis has been requested but not completed in each county.~~

32 ~~(e) For this State as a whole and each county, the average and median time~~  
33 ~~between a forensic medical examination and receipt by a forensic laboratory for~~  
34 ~~genetic marker analysis overall and during the last 6 months.~~

35 ~~(f) For this State as a whole and each county, the average and median time~~  
36 ~~between receipt by a forensic laboratory and genetic marker analysis overall and~~  
37 ~~during the last 6 months.~~

38 ~~(g) The number of sexual assault forensic evidence kits in each county~~  
39 ~~awaiting genetic marker analysis more than 1 year and 6 months after forensic~~  
40 ~~medical examination.~~

41 ~~4. Each law enforcement agency, prosecutor, forensic laboratory and~~  
42 ~~provider of health care who performs forensic medical examinations in this State~~  
43 ~~shall participate in the statewide program to track sexual assault forensic~~  
44 ~~evidence kits for the purpose of tracking the status of any sexual assault forensic~~  
45 ~~evidence kits in the custody of the agency, prosecutor, laboratory or provider, or a~~  
46 ~~third party under contract with such agency, prosecutor, laboratory or provider.~~

47 ~~5. Any agency or person who acts pursuant to this section in good faith~~  
48 ~~and without gross negligence is immune from civil liability for those acts.~~

49 ~~+~~ ~~6. As used in this section:~~

50 ~~(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.00117.~~

51 ~~(b) "Forensic medical examination" has the meaning ascribed to it in NRS~~  
52 ~~217.300.~~

~~(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.~~

~~(d) "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.~~

Sec. 1.7. 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 30 days after receiving a sexual assault forensic evidence kit, submit the sexual assault forensic evidence kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis. The provisions of this subsection do not apply to any noninvestigatory sexual assault forensic evidence kit associated with a victim who:

(a) Has chosen to remain anonymous; or

(b) Indicates that he or she is not a victim of sexual assault.

2. A forensic laboratory shall, not later than 180 days after receiving a sexual assault forensic evidence kit from a law enforcement agency, test the sexual assault forensic evidence kit.

3. Each forensic laboratory that receives a sexual assault forensic evidence kit from a law enforcement agency shall, on or before August 31 of each year, submit a report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice created by NRS 176.01246 and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must contain the total number of sexual assault forensic evidence kits which have:

(a) Been in the possession of the forensic laboratory for a period longer than 1 year; and

(b) Not been tested.

Sec. 2. NRS 200.364 is hereby amended to read as follows:

200.364 As used in NRS 200.364 to 200.3784, inclusive, and ~~section 1.7~~ sections 1.3 and 1.7 of this act, unless the context otherwise requires:

1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

2. "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

4. "Offense involving a pupil ~~or~~ or child" means any of the following offenses:

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

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

(c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.

~~5.~~ 5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or child or sex trafficking.

~~6.~~ 6. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

~~7.~~ 7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.

8. "Sexual offense" means any of the following offenses:

(a) Sexual assault pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

~~9.~~ 9. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted

by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.

~~10.~~ 10. "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

~~11.~~ 11. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking.

12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280

**Sec. 3.** NRS 200.377 is hereby amended to read as follows:

200.377 The Legislature finds and declares that:

1. This State has a compelling interest in assuring that the victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking:

(a) Reports the sexual offense, offense involving a pupil *or child* or sex trafficking to the appropriate authorities;

(b) Cooperates in the investigation and prosecution of the sexual offense, offense involving a pupil *or child* or sex trafficking; and

(c) Testifies at the criminal trial of the person charged with committing the sexual offense, offense involving a pupil *or child* or sex trafficking.

2. The fear of public identification and invasion of privacy are fundamental concerns for the victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking. If these concerns are not addressed and the victims are left unprotected, the victims may refrain from reporting and prosecuting sexual offenses, offenses involving a pupil *or child* or sex trafficking.

3. A victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking may be harassed, intimidated and psychologically harmed by a public report that identifies the victim. A sexual offense, an offense involving a pupil *or child* or sex trafficking is, in many ways, a unique, distinctive and intrusive personal trauma. The consequences of identification are often additional psychological trauma and the public disclosure of private personal experiences.

4. Recent public criminal trials have focused attention on these issues and have dramatized the need for basic protections for the victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking.

5. The public has no overriding need to know the individual identity of the victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking.

6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking from harassment, intimidation, psychological trauma and the unwarranted invasion of their privacy by prohibiting the disclosure of their identities to the public.

**Sec. 4.** NRS 200.3771 is hereby amended to read as follows:

200.3771 1. Except as otherwise provided in this section, any information which is contained in:

(a) Court records, including testimony from witnesses;

(b) Intelligence or investigative data, reports of crime or incidents of criminal activity or other information;

(c) Records of criminal history, as that term is defined in NRS 179A.070; and

(d) Records in the Central Repository for Nevada Records of Criminal History, that reveals the identity of a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking is confidential, including but not limited to the victim's photograph, likeness, name, address or telephone number.



2. A defendant charged with a sexual offense, an offense involving a pupil *or child* or sex trafficking and the defendant's attorney are entitled to all identifying information concerning the victim in order to prepare the defense of the defendant. The defendant and the defendant's attorney shall not disclose this information except, as necessary, to those persons directly involved in the preparation of the defense.

3. A court of competent jurisdiction may authorize the release of the identifying information, upon application, if the court determines that:

(a) The person making the application has demonstrated to the satisfaction of the court that good cause exists for the disclosure;

(b) The disclosure will not place the victim at risk of personal harm; and

(c) Reasonable notice of the application and an opportunity to be heard have been given to the victim.

4. Nothing in this section prohibits:

(a) Any publication or broadcast by the media concerning a sexual offense, an offense involving a pupil *or child* or sex trafficking.

(b) The disclosure of identifying information to any nonprofit organization or public agency whose purpose is to provide counseling, services for the management of crises or other assistance to the victims of crimes if:

(1) The organization or agency needs identifying information of victims to offer such services; and

(2) The court or a law enforcement agency approves the organization or agency for the receipt of the identifying information.

5. The willful violation of any provision of this section or the willful neglect or refusal to obey any court order made pursuant thereto is punishable as criminal contempt.

**Sec. 5.** NRS 200.3772 is hereby amended to read as follows:

200.3772 1. A victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking may choose a pseudonym to be used instead of the victim's name on all files, records and documents pertaining to the sexual offense, offense involving a pupil *or child* or sex trafficking, including, without limitation, criminal intelligence and investigative reports, court records and media releases.

2. A victim who chooses to use a pseudonym shall file a form to choose a pseudonym with the law enforcement agency investigating the sexual offense, offense involving a pupil *or child* or sex trafficking. The form must be provided by the law enforcement agency.

3. If the victim files a form to use a pseudonym, as soon as practicable the law enforcement agency shall make a good faith effort to:

(a) Substitute the pseudonym for the name of the victim on all reports, files and records in the agency's possession; and

(b) Notify the prosecuting attorney of the pseudonym.

➤ The law enforcement agency shall maintain the form in a manner that protects the confidentiality of the information contained therein.

4. Upon notification that a victim has elected to be designated by a pseudonym, the court shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the sexual offense, offense involving a pupil *or child* or sex trafficking.

5. The information contained on the form to choose a pseudonym concerning the actual identity of the victim is confidential and must not be disclosed to any person other than the defendant or the defendant's attorney unless a court of competent jurisdiction orders the disclosure of the information. The disclosure of information to a defendant or the defendant's attorney is subject to the conditions

and restrictions specified in subsection 2 of NRS 200.3771. A person who violates this subsection is guilty of a misdemeanor.

6. A court of competent jurisdiction may order the disclosure of the information contained on the form only if it finds that the information is essential in the trial of the defendant accused of the sexual offense, offense involving a pupil *or child* or sex trafficking, or the identity of the victim is at issue.

7. A law enforcement agency that complies with the requirements of this section is immune from civil liability for unknowingly or unintentionally:

(a) Disclosing any information contained on the form filed by a victim pursuant to this section that reveals the identity of the victim; or

(b) Failing to substitute the pseudonym of the victim for the name of the victim on all reports, files and records in the agency's possession.

**Sec. 6.** NRS 200.3773 is hereby amended to read as follows:

200.3773 1. A public officer or employee who has access to any records, files or other documents which include the photograph, likeness, name, address, telephone number or other fact or information that reveals the identity of a victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking shall not intentionally or knowingly disclose the identifying information to any person other than:

(a) The defendant or the defendant's attorney;

(b) A person who is directly involved in the investigation, prosecution or defense of the case;

(c) A person specifically named in a court order issued pursuant to NRS 200.3771; or

(d) A nonprofit organization or public agency approved to receive the information pursuant to NRS 200.3771.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.

**Sec. 7.** NRS 200.3774 is hereby amended to read as follows:

200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not apply if the victim of the sexual offense, offense involving a pupil *or child* or sex trafficking voluntarily waives, in writing, the confidentiality of the information concerning the victim's identity.

**Sec. 8.** Chapter 201 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 2, a person who:*

*(a) Is ~~21~~ 25 years of age or older;*

*(b) Is ~~licensed to conduct a foster home or~~ in a position of authority as an employee or contractor of or volunteer for an entity which provides services to children; and*

*(c) Engages in sexual conduct with a person who is 16 years of age or older but less than ~~21~~ 18 years of age and:*

*(1) Who is under the care, custody, control or supervision of the entity at which the person is employed or volunteering or of which the person is a contractor; and*

*(2) With whom the person has had contact in the course of performing his or her duties as an employee, contractor or volunteer,*

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

*2. The provisions of this section do not apply to a person who is an employee or contractor of or volunteer for an entity which provides services to children and who is married to ~~for~~ the person under the care, custody, control or*

1 supervision of the entity ~~+~~ at the time an act prohibited by this section is  
2 committed.

3 3. A person convicted pursuant to this section is not subject to the  
4 registration or community notification requirements of chapter 179D of NRS.

5 4. As used in this section:

6 (a) "Agency which provides child welfare services" has the meaning ascribed  
7 to it in NRS 432B.030.

8 (b) "Department of juvenile justice services" means:

9 (1) In a county whose population is less than 100,000, the probation  
10 department of the juvenile court established pursuant to NRS 62G.010 to  
11 62G.070, inclusive;

12 (2) In a county whose population is 100,000 or more but less than  
13 700,000, the department of juvenile services established pursuant to NRS  
14 62G.100 to 62G.170, inclusive; and

15 (3) In a county whose population is 700,000 or more, the department of  
16 juvenile justice services established by ordinance pursuant to NRS 62G.210 or, if  
17 a department of juvenile justice services has not been established by ordinance  
18 pursuant to NRS 62G.210, the department of juvenile justice services established  
19 pursuant to NRS 62G.300 to 62G.370, inclusive.

20 (c) "Entity which provides services to children" means:

21 (1) An agency which provides child welfare services;

22 (2) A department of juvenile justice services;

23 (3) A foster home; or

24 (4) The Youth Parole Bureau.

25 (d) "Foster home" has the meaning ascribed to it in NRS 424.014.

26 (e) "Youth Parole Bureau" has the meaning ascribed to it in NRS 62A.350.

27 Sec. 8.3. NRS 201.540 is hereby amended to read as follows:

28 201.540 1. Except as otherwise provided in subsection 2, a person who:

29 (a) Is 21 years of age or older;

30 (b) Is or was employed by a public school or private school in a position of  
31 authority or is or was volunteering at a public or private school + in a position of  
32 authority; and

33 (c) Engages in sexual conduct with a pupil who is 16 years of age or older,  
34 who has not received a high school diploma, a general educational development  
35 certificate or an equivalent document and:

36 (1) Who is or was enrolled in or attending the public school or private  
37 school at which the person is or was employed or volunteering; or

38 (2) With whom the person has had contact in the course of performing his  
39 or her duties as an employee or volunteer,

40 ~~is~~ is guilty of a category C felony and shall be punished as provided in NRS  
41 193.130.

42 2. The provisions of this section do not apply to a person who is married to  
43 the pupil + at the time an act prohibited by this section is committed.

44 3. The provisions of this section must not be construed to apply to sexual  
45 conduct between two pupils.

46 Sec. 8.7. NRS 201.550 is hereby amended to read as follows:

47 201.550 1. Except as otherwise provided in subsection 3, a person who:

48 (a) Is 21 years of age or older;

49 (b) Is employed in a position of authority by a college or university; and

50 (c) Engages in sexual conduct with a student who is 16 years of age or older,  
51 who has not received a high school diploma, a general educational development  
52 certificate or an equivalent document and who is enrolled in or attending the  
53 college or university at which the person is employed,

1     ~~is~~ is guilty of a category C felony and shall be punished as provided in NRS  
2     193.130.

3     2. For the purposes of subsection 1, a person shall be deemed to be employed  
4     in a position of authority by a college or university if the person is employed as:

5     (a) A teacher, instructor or professor;

6     (b) An administrator; or

7     (c) A head or assistant coach.

8     3. The provisions of this section do not apply to a person who is married to  
9     the student. ~~+~~ at the time an act prohibited by this section is committed.

10    4. The provisions of this section must not be construed to apply to sexual  
11    conduct between two students.

12    3. The provisions of this section must not be construed to apply to sexual  
13    conduct between two pupils.

14    **Sec. 9.** ~~NRS 171.085 is hereby amended to read as follows:~~

15    ~~171.085 Except as otherwise provided in NRS 171.080, 171.083, 171.084 and~~  
16    ~~171.095, an indictment for:~~

17    ~~1. Theft, robbery, burglary, forgery, arson, sex trafficking, a violation of NRS~~  
18    ~~90.570, a violation punishable pursuant to paragraph (c) of subsection 3 of NRS~~  
19    ~~508.0990 or a violation of NRS 205.377 must be found, or an information or~~  
20    ~~complaint filed, within 4 years after the commission of the offense.~~

21    ~~2. Sexual assault must be found, or an information or complaint filed, within~~  
22    ~~[20] 30 years after the commission of the offense.~~

23    ~~3. Any felony other than the felonies listed in subsections 1 and 2 must be~~  
24    ~~found, or an information or complaint filed, within 3 years after the commission of~~  
25    ~~the offense.~~ (Deleted by amendment.)

26    **Sec. 10.** NRS 176.01246 is hereby amended to read as follows:

27    176.01246 1. There is hereby created the Subcommittee to Review  
28    ~~[Arrestee]~~ DNA of the Commission.

29    2. The Chair of the Commission shall appoint the members of the  
30    Subcommittee which must include, without limitation:

31    (a) A member experienced in defending criminal actions.

32    (b) A member of a minority community organization whose mission includes  
33    the protection of civil rights for minorities.

34    3. The Chair of the Commission shall designate one of the members of the  
35    Subcommittee as Chair of the Subcommittee.

36    4. The Subcommittee shall meet at the times and places specified by a call of  
37    the Chair. A majority of the members of the Subcommittee constitutes a quorum,  
38    and a quorum may exercise any power or authority conferred on the Subcommittee.

39    5. The Subcommittee shall consider issues relating to DNA ~~[of arrested~~  
40    ~~persons]~~ and shall evaluate, review and submit a report to the Commission with  
41    recommendations concerning such issues. The issues considered by the  
42    Subcommittee and the report submitted by the Subcommittee must include, without  
43    limitation:

44    (a) The costs and procedures relating to the methods, implementation and  
45    utilization of the provisions for the destruction of biological specimens and purging  
46    of DNA profiles and DNA records of arrested persons; ~~and~~

47    (b) The collection and review of information concerning the number of  
48    requests for the destruction of biological specimens and purging of DNA profiles  
49    and DNA records of arrested persons and the number and percentage of such  
50    requests that are denied ~~+~~; and

51    (c) The submittal, storage and testing of sexual assault forensic evidence kits,  
52    including, without limitation, the review of any report required pursuant to  
53    section ~~+~~ 1.7 of this act.

6. Any Legislators who are members of the Subcommittee are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Subcommittee.

7. While engaged in the business of the Subcommittee, to the extent of legislative appropriation, each member of the Subcommittee is entitled to receive the per diem allowance and travel expenses as provided for state officers and employees generally.

8. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "DNA" has the meaning ascribed to it in NRS 176.09114.

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

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

*(e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in section 1 of this act; NRS 200.364.*

**Sec. 11.** ~~NRS 176.0931 is hereby amended to read as follows:~~

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

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

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

~~(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;~~

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

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

~~4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.~~

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

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

~~(1) An offense that involves:~~

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

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

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

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

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

~~(VI) Physical or mental abuse;~~

~~(VII) Death or bodily injury;~~

~~(VIII) An act of domestic violence;~~

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

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

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

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

~~(I) A tribal court;~~

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

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

~~(c) "Sexual offense" means:~~

~~(1) A violation of NRS 200.266, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [.] or section 8 of this act;~~

~~(2) An attempt to commit an offense listed in subparagraph (1); or~~

~~(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.] (Deleted by amendment.)~~

**Sec. 12.** ~~[NRS 176.133 is hereby amended to read as follows:~~

~~176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:~~

~~1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:~~

~~(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;~~

~~(b) A psychologist licensed to practice in this State;~~

~~(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;~~

~~(d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or~~

~~(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.~~

~~2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.~~

~~3. "Sexual offense" means:~~

~~(a) Sexual assault pursuant to NRS 200.266;~~

~~(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;~~

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

~~(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;~~

~~(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~

~~(f) Incest pursuant to NRS 201.180;~~

~~(g) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;~~

~~(h) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;~~

~~(i) Lewdness with a child pursuant to NRS 201.220;~~  
~~(j) Sexual penetration of a dead human body pursuant to NRS 201.450;~~  
~~(k) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~  
~~(l) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~  
~~(m) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act;~~

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

~~[(n)] (o) An attempt to commit an offense listed in paragraphs (a) to [(m)], (n), inclusive, if punished as a felony; or~~

~~[(o)] (p) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.] **(Deleted by amendment.)**~~

**Sec. 13. [NRS 176A.110 is hereby amended to read as follows:**

~~176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 2 unless:~~

~~(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or~~

~~(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.~~

~~2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.~~

~~3. The provisions of this section apply to a person convicted of any of the following offenses:~~

~~(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366;~~

~~(b) Statutory sexual seduction pursuant to NRS 200.368;~~

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

~~(d) Abuse or neglect of a child pursuant to NRS 200.508;~~

~~(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.720, inclusive;~~

~~(f) Incest pursuant to NRS 201.180;~~

~~(g) Open or gross lewdness pursuant to NRS 201.210;~~

~~(h) Indecent or obscene exposure pursuant to NRS 201.220;~~

~~(i) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

~~(j) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~



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

~~(l) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.~~

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

~~[(m)] (n) A violation of NRS 207.180.~~

~~[(n)] (o) An attempt to commit an offense listed in paragraphs (b) to [(m)], (n), inclusive.~~

~~[(o)] (p) Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.]~~ **(Deleted by amendment.)**

**Sec. 14. [NRS 178.5698 is hereby amended to read as follows:**

~~178.5698. 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:~~

~~(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;~~

~~(b) If the defendant is so released, the amount of bail required, if any; and~~

~~(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.~~

~~2. A request for information pursuant to subsection 1 must be made:~~

~~(a) In writing; or~~

~~(b) By telephone through an automated or computerized system of notification, if such a system is available.~~

~~3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:~~

~~(a) To each witness, documentation that includes:~~

~~(1) A form advising the witness of the right to be notified pursuant to subsection 5;~~

~~(2) The form that the witness must use to request notification in writing; and~~

~~(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.~~

~~(b) To each person listed in subsection 4, documentation that includes:~~

~~(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;~~

~~(2) The forms that the person must use to request notification; and~~

~~(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.~~

~~4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:~~

~~(a) A person against whom the offense is committed.~~

~~(b) A person who is injured as a direct result of the commission of the offense.~~

~~(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.~~

~~(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.~~

~~(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.~~

~~5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or~~



1 ~~witness so requests in writing and provides a current address, notify the victim or~~  
2 ~~witness at that address when the offender is released from the prison.~~

3 ~~6. If the offender was convicted of a violation of subsection 2 of NRS~~  
4 ~~200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or~~  
5 ~~subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of~~  
6 ~~the prison shall notify:~~

7 ~~(a) The immediate family of the victim if the immediate family provides their~~  
8 ~~current address;~~

9 ~~(b) Any member of the victim's family related within the third degree of~~  
10 ~~consanguinity, if the member of the victim's family so requests in writing and~~  
11 ~~provides a current address; and~~

12 ~~(c) The victim, if the victim will be 18 years of age or older at the time of the~~  
13 ~~release and has provided a current address,~~  
14 ~~→ before the offender is released from prison.~~

15 ~~7. The warden must not be held responsible for any injury proximately caused~~  
16 ~~by the failure to give any notice required pursuant to this section if no address was~~  
17 ~~provided to the warden or if the address provided is inaccurate or not current.~~

18 ~~8. As used in this section:~~

19 ~~(a) "Immediate family" means any adult relative of the victim living in the~~  
20 ~~victim's household.~~

21 ~~(b) "Sexual offense" means:~~

22 ~~(1) Sexual assault pursuant to NRS 200.366;~~

23 ~~(2) Statutory sexual seduction pursuant to NRS 201.268;~~

24 ~~(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~

25 ~~(4) An offense involving pornography and a minor pursuant to NRS~~  
26 ~~200.710 to 200.730, inclusive;~~

27 ~~(5) Incest pursuant to NRS 201.180;~~

28 ~~(6) Open or gross lewdness pursuant to NRS 201.210;~~

29 ~~(7) Indecent or obscene exposure pursuant to NRS 201.220;~~

30 ~~(8) Lewdness with a child pursuant to NRS 201.230;~~

31 ~~(9) Sexual penetration of a dead human body pursuant to NRS 201.450;~~

32 ~~(10) Sexual conduct between certain employees of a school or volunteers~~  
33 ~~at a school and a pupil pursuant to NRS 201.540;~~

34 ~~(11) Sexual conduct between certain employees of a college or university~~  
35 ~~and a student pursuant to NRS 201.550;~~

36 ~~(12) Sexual conduct between certain employees or contractors of or~~  
37 ~~volunteers for an entity which provides services to children and a person under~~  
38 ~~the care, custody, control or supervision of the entity pursuant to section 8 of this~~  
39 ~~act;~~

40 ~~(13) Luring a child or a person with mental illness pursuant to NRS~~  
41 ~~201.560, if punished as a felony;~~

42 ~~[(13)] (14) An offense that, pursuant to a specific statute, is determined to~~  
43 ~~be sexually motivated; or~~

44 ~~[(14)] (15) An attempt to commit an offense listed in this paragraph.]~~

45 **(Deleted by amendment.)**

46 **Sec. 15. [NRS 179.245 is hereby amended to read as follows:**

47 ~~179.245 1. Except as otherwise provided in subsection 5 and NRS~~  
48 ~~176A.265, 176A.295, 179.259, 452.3365 and 458.330, a person may petition the~~  
49 ~~court in which the person was convicted for the sealing of all records relating to a~~  
50 ~~conviction of:~~

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

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

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

~~(d) Except as otherwise provided in paragraph (c), any gross misdemeanor after 5 years from the date of release from actual custody or discharge from probation, whichever occurs later;~~

~~(e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or~~

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

~~2. A petition filed pursuant to subsection 1 must:~~

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

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

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

~~(b) If the petition references NRS 453.2365 or 458.230, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;~~

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

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

~~(1) Date of birth of the petitioner;~~

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

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

~~3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.~~

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

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

- ~~(a) A crime against a child;~~
- ~~(b) A sexual offense;~~
- ~~(c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;~~
- ~~(d) A violation of NRS 484C.420;~~
- ~~(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.420;~~
- ~~(f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or~~
- ~~(g) A violation of NRS 488.420 or 488.425.~~

~~6. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.~~

~~7. As used in this section:~~

- ~~(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.~~
- ~~(b) "Sexual offense" means:~~
  - ~~(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030;~~
  - ~~(2) Sexual assault pursuant to NRS 200.366;~~
  - ~~(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony;~~
  - ~~(4) Battery with intent to commit sexual assault pursuant to NRS 200.400;~~
  - ~~(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph;~~
  - ~~(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph;~~
  - ~~(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;~~
  - ~~(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;~~
  - ~~(9) Incest pursuant to NRS 201.180;~~
  - ~~(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony;~~
  - ~~(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony;~~
  - ~~(12) Lewdness with a child pursuant to NRS 201.230;~~
  - ~~(13) Sexual penetration of a dead human body pursuant to NRS 201.450;~~
  - ~~(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;~~
  - ~~(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;~~
  - ~~(16) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.~~

~~(17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.~~

~~[(17)] (18) An attempt to commit an offense listed in this paragraph.]~~  
**(Deleted by amendment.)**

**Sec. 16.** ~~NRS 179D.097 is hereby amended to read as follows:~~

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

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

~~(b) Sexual assault pursuant to NRS 200.366.~~

~~(c) Statutory sexual seduction pursuant to NRS 200.368.~~

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

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

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

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

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

~~(i) Incest pursuant to NRS 201.180.~~

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

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

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

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

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

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

~~(p) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.~~

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

~~[(q)] (r) Sex trafficking pursuant to NRS 201.300.~~

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

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

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

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

~~(1) A tribal court.~~

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

~~[(v)] (w) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or~~

worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

- (1) A tribal court;
- (2) A court of the United States or the Armed Forces of the United States;
- (3) A court having jurisdiction over juveniles.

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

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

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

**Sec. 17.** [NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph [(r)] (s) of subsection 1 of NRS 179D.097, paragraph (c) of subsection 1 or subsection 2 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.] (Deleted by amendment.)

**Sec. 18.** [NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners;
2. "Chief" means the Chief Parole and Probation Officer;
3. "Division" means the Division of Parole and Probation of the Department of Public Safety;
4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board;

5. "Sex offender" means any person who has been or is convicted of a sexual offense;

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 [;] ~~or section 8 of this act;~~

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547;

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.] (Deleted by amendment.)

**Sec. 19.** [NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the

purposes of subsection 2 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph [(20)] (21) of paragraph (d).

The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.020.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

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

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

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

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

~~(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~

~~(9) Incest pursuant to NRS 201.180.~~

~~(10) Open or gross lewdness pursuant to NRS 201.210.~~

~~(11) Indecent or obscene exposure pursuant to NRS 201.220.~~

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

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

~~(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.~~

~~(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.~~

~~(16) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to section 8 of this act.~~

~~(17) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.~~

~~[(17)] (18) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to [(16)], (17), inclusive.~~

~~[(18)] (19) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.192.~~

~~[(19)] (20) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~(I) A tribal court.~~

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

~~[(20)] (21) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:~~

~~(I) A tribal court.~~

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

~~(III) A court having jurisdiction over juveniles.~~

~~Except for the offenses described in subparagraphs 14, [and] 15 [;] and 16, the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or 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.] (Deleted by amendment.)~~

**Sec. 20.** ~~NRS 480.110 is hereby amended to read as follows:~~

~~480.110 Except as otherwise provided therein, the Department shall execute, administer and enforce, and perform the functions and duties provided in:~~

~~1. Chapters 176A and 213 of NRS relating to parole and probation;~~

~~2. Section 1 of this act relating to tracking sexual assault forensic evidence kits;~~

~~3. Chapter 414 of NRS relating to emergency management;~~

~~[3.] 4. Chapter 414A of NRS;~~

~~[4.] 5. Chapter 453 of NRS relating to controlled substances and chapter 454 of NRS relating to dangerous drugs;~~

~~[5.] 6. Chapter 459 of NRS relating to the transportation of hazardous materials;~~

~~[6.] 7. Chapter 477 of NRS relating to the State Fire Marshal; and~~

~~[7.] 8. NRS 486.363 to 486.377, inclusive, relating to the education and safety of motorcycle riders.] (Deleted by amendment.)~~

~~Sec. 21. [The Department of Public Safety shall, on or before January 1, 2018, submit to the Governor and the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice created by NRS 176.01246 a report concerning the status of the program to track sexual assault forensic evidence kits required by section 1 of this act and a plan for launching the program, including a plan for phased implementation.] (Deleted by amendment.)~~

Sec. 21.5. 1. The amendatory provisions of section 1.7 of this act apply to any sexual assault forensic evidence kit received by a forensic laboratory from a law enforcement agency on or after July 1, 2017.

2. Each forensic laboratory shall, on or before August 31, 2017, submit its first report to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice.

3. As used in this section:

(a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(b) "Sexual assault forensic evidence kit" has the meaning ascribed to it in NRS 200.364 as amended by section 2 of this act.

~~Sec. 22. [The amendatory provisions of section 9 of this act apply to a person who:~~

~~1. Committed sexual assault, as defined in NRS 200.366, before October 1, 2017, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2017;~~

~~2. Commits sexual assault, as defined in NRS 200.366, on or after October 1, 2017.] (Deleted by amendment.)~~

Sec. 22.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the legislature.

Sec. 23. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 24. 1. This section and sections ~~11, 10, 21, 22~~ 1.7 and 21 to 23 , inclusive, of this act become effective on July 1, 2017.

2. Sections 2 to 9, inclusive, and 11 to 20, inclusive, of this act become effective on October 1, 2017.

3. Sections 1.3 and 10 of this act become effective on January 1, 2020.