

Amendment No. 301

Senate Amendment to Senate Bill No. 472	(BDR 5-345)
Proposed by: Senate Committee on Judiciary	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No	

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.

MNM/BAW



Date: 4/17/2017

S.B. No. 472—Revises provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. (BDR 5-345)



SENATE BILL NO. 472—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE LEGISLATIVE COMMITTEE ON
CHILD WELFARE AND JUVENILE JUSTICE)

MARCH 27, 2017

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing registration and community notification of juveniles adjudicated delinquent for committing certain sexual offenses. (BDR 5-345)

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

~

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; 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 18, 19 and 22** 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 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 its 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**.

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.

1 **Sec. 2.** NRS 62B.410 is hereby amended to read as follows:

2 62B.410 Except as otherwise provided in NRS 62F.110 and ~~62F.220,~~
3 *sections 10 and 12 of this act*, if a child is subject to the jurisdiction of the juvenile
4 court, the juvenile court:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

44 (f) *An aggravated sexual offense.*

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

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

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

51 **Sec. 9.** 1. *Notwithstanding any other provision of law, a child who is
52 adjudicated delinquent for an unlawful act that would have been a sexual offense*

1 *if committed by an adult and who was 14 years of age or older at the time of the*
2 *commission of the unlawful act shall:*

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

6 *(b) Not later than 48 hours after a change of his or her name, residence or*
7 *employment or student status, the issuance of or a change to the driver's license*
8 *or identification card issued to the child by this State or any other jurisdiction or*
9 *a change in the description of the motor vehicle registered to or frequently driven*
10 *by the child, if any, update the juvenile court, the director of juvenile services or*
11 *the Youth Parole Bureau, as applicable, of such a change.*

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

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

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

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

25 *Sec. 10. 1. In addition to any other action authorized or required*
26 *pursuant to the provisions of this title, if a child is adjudicated delinquent for an*
27 *unlawful act that would have been a sexual offense if committed by an adult and*
28 *was 14 years of age or older at the time of the commission of the unlawful act, the*
29 *juvenile court shall:*

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

34 *(b) Inform the child and the parent or guardian of the child that the child is*
35 *subject to registration and community notification pursuant to NRS 179D.010 to*
36 *179D.550, inclusive, and sections 4 to 14, inclusive, of this act.*

37 *2. The juvenile court may not terminate its jurisdiction over the child for*
38 *the purposes of carrying out the provisions of sections 4 to 14, inclusive, of this*
39 *act until the juvenile court, pursuant to section 12 of this act, has relieved the*
40 *child from being subject to the requirements for registration and community*
41 *notification pursuant to NRS 179D.010 to 179D.550, inclusive, or ordered that*
42 *the child is subject to registration and community notification pursuant to NRS*
43 *179D.010 to 179D.550, inclusive.*

44 *Sec. 11. 1. Notwithstanding any other provision of law and except as*
45 *otherwise provided in this subsection, upon a motion by a child, the juvenile court*
46 *may exempt the child from community notification or exclude the child from*
47 *placement on the community notification website, or both, if the juvenile court*
48 *finds by clear and convincing evidence that the child is not likely to pose a threat*
49 *to the safety of others. The juvenile court shall not exempt a child from*
50 *community notification or exclude the child from placement on the community*
51 *notification website if the child is adjudicated delinquent for committing an*
52 *aggravated sexual offense.*

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

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

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

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

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

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

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

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

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

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

24 (i) *The impact that registration and community notification pursuant to NRS*
25 *179D.010 to 179D.550, inclusive, and sections 4 to 14, inclusive, of this act will*
26 *have on the treatment of the child.*

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

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

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

37 (a) *Shall consider:*

38 (1) *The factors set forth in subsection 3;*

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

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

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

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

51 1. *If a child has been adjudicated delinquent for a sexual offense, the*
52 *juvenile court shall hold a hearing when the child reaches 21 years of age, or at a*
53 *time reasonably near the date on which the child reaches 21 years of age, to*

1 *determine whether the child should be subject to registration and community*
2 *notification pursuant to NRS 179D.010 to 179D.550, inclusive.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 7. *If, pursuant to this section, the juvenile court orders that a child is*
52 *subject to registration and community notification pursuant to NRS 179D.010 to*
53 *179D.550, inclusive, the jurisdiction of the juvenile court terminates, and the*

child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, for the period specified in NRS 179D.490.

Sec. 13. *1. 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 of this act.*

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

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

Sec. 15. 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. 16. 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. 17. 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*

~~the~~ *(a) The* ~~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*

~~the~~ *(b) The offender was 14 years of age or older at the time of the offense.* ~~section 8 of this act.~~

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. 18. 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*

~~the~~ *(a) Convicted* ~~convicted~~ *of a crime against a child that is listed in NRS 179D.0357.;* ~~the~~ *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. 19. 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*

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

~~(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. 20. 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:

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

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

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

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

(V) The duty to notify the local law enforcement agency for the jurisdiction in which the offender or sex offender now resides, in person, and the

jurisdiction in which the offender or sex offender formerly resided, in person or in writing, if the offender or sex offender changes the address at which the offender or sex offender resides, including if the offender or sex offender moves from this State to another jurisdiction, or changes the primary address at which the offender or sex offender is a student or worker; and

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

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

(b) The Central Repository shall:

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

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

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

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

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

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

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

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

Sec. 21. NRS 179D.490 is hereby amended to read as follows:

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

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

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

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

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

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

3. If an offender or sex offender complies with the provisions for registration:
(a) For an interval of at least 10 consecutive years, if the offender or sex offender is a Tier I offender; or

(b) For an interval of at least 25 consecutive years, if the offender or sex offender is a Tier III offender adjudicated delinquent for the offense which required registration as an offender or sex offender,
during which the offender or sex offender is not convicted of an offense for which imprisonment for more than 1 year may be imposed, is not convicted of a sexual offense, successfully completes any periods of supervised release, probation or parole, and successfully completes a sex offender treatment program certified by the State or by the Attorney General of the United States, the offender or sex offender may file a petition to reduce the period of time during which the offender or sex offender has a duty to register with the district court in whose jurisdiction the offender or sex offender resides or, if he or she is a nonresident offender or sex offender, in whose jurisdiction the offender or sex offender is a student or worker. For the purposes of this subsection, registration begins on the date that the Central Repository or appropriate agency of another jurisdiction establishes a record of registration for the offender or sex offender or the date that the offender or sex offender is released, whichever occurs later.

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

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

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

Sec. 22. NRS 62F.200, 62F.220 and 62F.260 are hereby repealed.

TEXT OF REPEALED SECTIONS

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.