

BDR 15-472

SB 169

EXECUTIVE AGENCY FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 9, 2017

Agency Submitting: Nevada Department of Corrections

Items of Revenue or Expense, or Both	Fiscal Year 2016-17	Fiscal Year 2017-18	Fiscal Year 2018-19	Effect on Future Biennia
Total	0	0	0	0

Explanation

(Use Additional Sheets of Attachments, if required)

The Nevada Department of Corrections (NDOC) has reviewed BDR 15-472 which makes proposed revisions to Chapter 201 of the Nevada Revised Statutes (NRS) related to sexual offenses. The BDR proposes to amend Chapter NRS 201 to include specific programs and prohibitions of the Department of Public Safety and stipulations regarding business entities including staff and contractors providing care and supervision of young adults and children. Based on current language of the proposed statute change, the NDOC is unable to forecast the increase, if any, in the number of offenders admitted to the NDOC system at this time. The Governor's Recommended budget provides an average of \$18,719 in variable expenses per inmate for SFY18-19. The fiscal impact of this proposal would be this amount for each year of a new prison sentence. As a result, the fiscal impact of this proposed law cannot be quantified at this time.

Name Scott Ewart

Title Chief of Fiscal Services

GOVERNOR'S OFFICE OF FINANCE COMMENTS

Date Wednesday, February 22, 2017

The agency's response appears reasonable.

Name Paul Nicks

Title Exec. Branch Budget Officer

Nevada Department of Corrections
Fiscal Note for BDR 15-472
Date: February 17, 2017

The Nevada Department of Corrections (NDOC) has reviewed BDR 15-472 which makes proposed revisions to Chapter 201 of the Nevada Revised Statutes (NRS) related to sexual offenses. The BDR proposes to amend Chapter NRS 201 to include specific programs and prohibitions of the Department of Public Safety and stipulations regarding business entities including staff and contractors providing care and supervision of young adults and children.

Bill Draft Request proposes to amend Chapter 201 of the Nevada Revised Statutes. **Sections 2 and 7** of the Bill Draft Request propose to add that sexual offenses listed under NRS 200.364 apply also to children, in addition to pupils, to include sexual conduct as stipulated in Section 8, hence, expanding the list of persons who are considered victims of sexual offenses. The expected number of additional cases cannot be determined.

Section 6 adds that a public officer or employee is mandated to protect the confidentiality of the information of a child that is a victim of such offenses should have no impact on the NDOC.

Section 8 of the BDR proposes to make it a category C felony for a licensed foster caregiver, a staff, contractor, or volunteer of an entity that cares or provides services for children to engage in sexual conduct if: a) the person is under the care, control, or supervision of the entity, b) the person is 16 to 21 years of age, c) the employee, contractor, or volunteer had contact with the affected person during the course of his her work or volunteer duties. When the employee, volunteer, or contractor is married to the person with whom there has been sexual contact, the proposed law will not apply. Statutory sexual seduction laws (NRS 200.368) provide that it is a category B felony for a 21-year old or older person to engage in sexual conduct with a party who is 16 years of age and a gross misdemeanor when the aggravating party is 18 to 20 years old. Under Nevada law, a 16-year old can engage in consensual sex, which won't be recognized as sexual assault unless there is proof of use of force or bodily harm. Thus, it appears that the proposed statute would make it a more serious offense for an individual to have sexual contact with a victim who is 16 to 18 years of age. The Nevada Department of Corrections (NDOC) staff searched the offense summaries of offenders who are incarcerated for violation of NRS 200.368, and they could not clearly determine if any of the offenses involved employees, contractors, or volunteers of foster homes, childcare facilities, or other types of entities that supervise youths. Thus, the impact of passage of Section 8 cannot be determined.

Section 9 amends Section 2 of NRS 171.085 to extend the time limit to file a complaint for sexual assault from 20 years to 30 years after the commission of the crime. It is assumed that extending the time limitation on the statute could result in additional cases brought forward in the future; however, the expected number cannot be determined.

Sections 11, 12, 14, and 16 revise existing NRS to include the offense noted in Section 8 to the meaning of sexual offense, and the impact of this addition cannot be determined at this time because it is not a crime for a worker or volunteer to have sexual contact with a youth that is supervised by that worker or volunteer. **Section 13** points out that a court will not grant probation to or suspend the sentence of an individual who engages in sexual conduct as per Section 8 of this BDR. The impact of this restriction cannot be determined either without any existing data. **Section 15** further points out that offenders will qualify to petition to the court for the sealing of records 12 years after being released from custody or discharge from parole. This provision shouldn't impact the size of the prison population. **Section 17** points out that the offender may be required to be registered as a Tier I to III sex offender with the Central Repository. It is possible that NDOC staff will have to inform offenders sentenced under the proposed law of the registration requirements. However, without a prediction of how many more sex offenders will be sentenced due to violation of the proposed statute, the impact cannot be determined. **Section 19** stipulates that individuals charged with engaging in sexual conduct with a youth with whom he or she was in contact because of work or volunteer obligations in a foster or supervisory capacity will be subject to a sex offender risk assessment evaluation by the Nevada Department of Corrections. This provision may increase the number of offenders that will have to be screened by NDOC's psychologists. However, it is unknown how many individuals will be sentenced under the proposed statute; thus, the impact cannot be determined. None of the other sections of Bill Draft Request 15-472 do not affect the NDOC directly and should not have any fiscal impact.

Based on current language of the proposed statute change, the NDOC is unable to forecast the increase, if any, in the number of offenders admitted to the NDOC system at this time. As a result, the fiscal impact of this proposed law cannot be quantified at this time.