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OPINION  
REQUIRING EX-FELONS  
TO CARRY  
REGISTRATION CARDS

ORIGINALS ARE ON FILE IN  
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1014

ASSEMBLY JUDICIARY  
DATE: 3/20/03 ROOM: 3138 EXHIBIT F  
SUBMITTED BY: C. GIUNCA (GLIAN)

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

Wm. GARY CREWS, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: June 5, 2002  
TO: Assemblywoman Chris Giunchigliani  
FROM: Allison Combs, Principal Research Analyst  
Research Division  
SUBJECT: Attorney General Opinion on Ex-Felon Registration Cards

In the memorandum sent to you on February 7, 2002, regarding the restoration of voting rights of persons convicted of a felony, I noted that the Division of Parole and Probation had requested an opinion from the Office of the Attorney General regarding the requirement for a felon to carry an identification card.

Enclosed is a copy of Opinion No. 2002-20 from the Office of the Attorney General dated May 2, 2002. The opinion concludes as follows:

No Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an "ex-felon identification card." If such a statute or valid local ordinance existed, a convicted person who has been effectively relieved of the obligation to register, either pursuant to court order or through a restoration of rights by the Pardons Board or Parole Board, would also be relieved of the obligation to carry and produce such an identification card.

I hope this opinion is helpful. If you would like additional information or any assistance with a possible bill draft or with setting up a meeting to discuss this issue with the agency representatives involved, please feel free to contact me at (775) 684-6825.

AC/bbh:W20522-2  
Enc.

F 2 of 14



MAY 08 2002

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

100 N. Carson Street  
Carson City, Nevada 89701-4717  
Telephone (775) 684-1100  
Fax (775) 684-1108  
Website: <http://ag.state.nv.us>

FRANKIE SUE DEL PAPA  
*Attorney General*

THOMAS M. PATTON  
*First Assistant Attorney General*

May 2, 2002

OPINION NO. 2002-20

IDENTIFICATION CARDS; FELONS; REGISTRATION: No Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an "ex-felon identification card." If such a statute or valid local ordinance existed, a convicted person who has been effectively relieved of the obligation to register, either pursuant to court order or through a restoration of rights by the Pardons Board or Parole Board, would also be relieved of the obligation to carry and produce such an identification card.

R. Warren Lutzow, Chief  
Nevada Department of Public Safety  
Division of Parole and Probation  
1445 Hot Springs Road, Suite 104  
Carson City, Nevada 89706-0667

Dear Mr. Lutzow:

The Legislative Counsel Bureau has presented the following two-part question to your agency, which you have referred to this office, relating to ex-felon registration and the effect of an order restoring a convicted felon's civil rights.

QUESTION

Is there a statutory requirement that a convicted felon carry an "ex-felon identification card"? If so, would an offender whose civil rights have been restored still be required to carry such an identification card?

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### ANALYSIS

The Nevada Revised Statutes contain no provisions that address the subject of an "ex-felon identification card." Accordingly, we are unaware of any statutory authority that provides for the creation or issuance of such a card, or that requires such a card to be carried by a convicted felon and produced on demand. Further, we are unaware of any local ordinance that provides for the creation and issuance of such a card or production on demand. We are advised by members of the law enforcement community, however, that documents sometimes referred to as "ex-felon identification cards," with photos and personal information relating to specific convicted felons, may have been produced at various times by local law enforcement agencies as part of their statutory role in registering persons convicted of specified crimes. See NRS 179C.100 and 179D.460. We are unaware of any agency that either currently issues such an identification card or that purports to require that a convicted person carry such a card and produce it to a law enforcement officer on demand.

Agencies we have contacted concerning this question indicate that they do provide a registering convicted person with a document that evidences the fact that the person has registered. This document is intended to serve as a receipt acknowledging the offender's compliance with the duty to register.

NRS 179C.100(5) authorizes the district court in which the conviction was obtained, the Nevada Board of Parole Commissioners (Parole Board), or the Nevada Board of Pardons Commissioners (Pardons Board) to restore certain offenders' civil rights and to order that the offender need not comply with the registration requirements of NRS 179C. NRS 179C.100(5) provides as follows:

When so ordered in the individual case by the district court in which the conviction was obtained, by the state board of parole commissioners or by the state board of pardons commissioners, whichever is appropriate, the provisions of this section do not apply to a convicted person who has had his civil rights restored.

NRS 179D.490 provides a procedure whereby a convicted sex offender may petition a district court to be relieved of the obligation to register. Finally, NRS 213.090, 213.155, and 213.157 specify the procedures for obtaining a restoration of civil rights and release from penalties and disabilities from the Pardons Board, the Parole Board, or a district court, respectively.

Even if a statute or valid local ordinance existed which authorized the production of an "ex-felon identification card" and required a convicted person to carry and produce such a card, a district court order lifting the requirement to register as a convicted person or an order of the Pardons Board or Parole Board restoring an offender's civil rights and effectively relieving the

offender from the obligation to register would eliminate any obligation to comply with such a statute or ordinance.

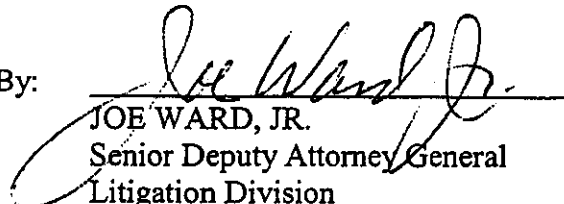
CONCLUSION

No Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an "ex-felon identification card." If such a statute or valid local ordinance existed, a convicted person who has been effectively relieved of the obligation to register, either pursuant to court order or through a restoration of rights by the Pardons Board or Parole Board, would also be relieved of the obligation to carry and produce such an identification card.

Sincerely,

FRANKIE SUE DEL PAPA  
Attorney General

By:

  
JOE WARD, JR.  
Senior Deputy Attorney General  
Litigation Division  
(775) 684-1260

JW:pks

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
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PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

September 27, 2002

Sheriff Jerry Keller  
Las Vegas Metropolitan Police Department  
400 Stewart Ave.  
Las Vegas, NV 89101-2984

Dear Sheriff Keller:

I am writing this letter upon the request of Assemblywoman Chris Giunchigliani to seek your assistance in a matter related to ex-felon identification cards. As Ms. Giunchigliani has explained to me, several of her constituents have been asked recently by officers of law enforcement agencies in Southern Nevada to show the officer their ex-felon identification card. As you are probably aware, the attached Attorney General Opinion, issued on May 2, 2002, (AGO 2002-20), states in relevant part that "[n]o Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an 'ex-felon identification card.'"

We are seeking your assistance in determining whether any Southern Nevada law enforcement agencies are still requiring ex-felons to carry a special card that identifies them as ex-felons. I would sincerely appreciate your letting me know at your earliest convenience if you are aware of any such requirement currently in place in the Las Vegas Metropolitan Police Department or any other law enforcement agency with which you are familiar.

Thank you for your time in this matter. If you have any questions or concerns regarding this letter, please do not hesitate to call me at (775) 684-6833.

Sincerely,

A handwritten signature in black ink that reads "Brenda J. Erdoes".

Brenda J. Erdoes  
Legislative Counsel

Encl.

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STATE OF NEVADA  
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BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

September 27, 2002

Police Chief Mark Paresi  
North Las Vegas Police Department  
1301 E. Lake Mead Blvd.  
North Las Vegas, NV 89030-7165

Dear Chief Paresi:

I am writing this letter upon the request of Assemblywoman Chris Giunchigliani to seek your assistance in a matter related to ex-felon identification cards. As Ms. Giunchigliani has explained to me, several of her constituents have been asked recently by officers of law enforcement agencies in Southern Nevada to show the officer their ex-felon identification card. As you are probably aware, the attached Attorney General Opinion, issued on May 2, 2002, (AGO 2002-20), states in relevant part that "[n]o Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an 'ex-felon identification card.'"

We are seeking your assistance in determining whether any Southern Nevada law enforcement agencies are still requiring ex-felons to carry a special card that identifies them as ex-felons. I would sincerely appreciate your letting me know at your earliest convenience if you are aware of any such requirement currently in place in the North Las Vegas Police Department or any other law enforcement agency with which you are familiar.

Thank you for your time in this matter. If you have any questions or concerns regarding this letter, please do not hesitate to call me at (775) 684-6833.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda J. Erdoes".

Brenda J. Erdoes  
Legislative Counsel

Encl.

F 7 of 14



STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
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Mark W. Stevens, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

September 27, 2002

Police Chief Mike Mayberry  
Henderson Police Department  
223 Lead St.  
Henderson, NV 89015-7328

Dear Chief Mayberry:

I am writing this letter upon the request of Assemblywoman Chris Giunchigliani to seek your assistance in a matter related to ex-felon identification cards. As Ms. Giunchigliani has explained to me, several of her constituents have been asked recently by officers of law enforcement agencies in Southern Nevada to show the officer their ex-felon identification card. As you are probably aware, the attached Attorney General Opinion, issued on May 2, 2002, (AGO 2002-20), states in relevant part that "[n]o Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an 'ex-felon identification card.'"

We are seeking your assistance in determining whether any Southern Nevada law enforcement agencies are still requiring ex-felons to carry a special card that identifies them as ex-felons. I would sincerely appreciate your letting me know at your earliest convenience if you are aware of any such requirement currently in place in the Henderson Police Department or any other law enforcement agency with which you are familiar.

Thank you for your time in this matter. If you have any questions or concerns regarding this letter, please do not hesitate to call me at (775) 684-6833.

Sincerely,

A handwritten signature in cursive script that reads "Brenda J. Erdoes".

Brenda J. Erdoes  
Legislative Counsel

Encl.

F 8 of 14

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

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WILLIAM J. RAGGIO, *Senator, Chairman*  
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Mark W. Stevens, *Fiscal Analyst*



LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

September 27, 2002

Police Chief Douglas Law  
Mesquite Police Department  
Justice Facility  
500 Hillside Dr.  
Mesquite, NV 89027-3116

Dear Chief Law:

I am writing this letter upon the request of Assemblywoman Chris Giunchigliani to seek your assistance in a matter related to ex-felon identification cards. As Ms. Giunchigliani has explained to me, several of her constituents have been asked recently by officers of law enforcement agencies in Southern Nevada to show the officer their ex-felon identification card. As you are probably aware, the attached Attorney General Opinion, issued on May 2, 2002, (AGO 2002-20), states in relevant part that "[n]o Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an 'ex-felon identification card.'"

We are seeking your assistance in determining whether any Southern Nevada law enforcement agencies are still requiring ex-felons to carry a special card that identifies them as ex-felons. I would sincerely appreciate your letting me know at your earliest convenience if you are aware of any such requirement currently in place in the Mesquite Police Department or any other law enforcement agency with which you are familiar.

Thank you for your time in this matter. If you have any questions or concerns regarding this letter, please do not hesitate to call me at (775) 684-6833.

Sincerely,

A handwritten signature in cursive script that reads "Brenda J. Erdoes".

Brenda J. Erdoes  
Legislative Counsel

Encl.

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
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WILLIAM J. RAGGIO, *Senator, Chairman*  
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LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

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ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

September 27, 2002

Jose A. Elique, *Director*  
UNLV Department of Public Safety  
Public Safety Building  
4505 Maryland Pkwy.  
Las Vegas, NV 89154-9900

Dear Chief Elique:

I am writing this letter upon the request of Assemblywoman Chris Giunchigliani to seek your assistance in a matter related to ex-felon identification cards. As Ms. Giunchigliani has explained to me, several of her constituents have been asked recently by officers of law enforcement agencies in Southern Nevada to show the officer their ex-felon identification card. As you are probably aware, the attached Attorney General Opinion, issued on May 2, 2002, (AGO 2002-20), states in relevant part that "[n]o Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an 'ex-felon identification card.'"

We are seeking your assistance in determining whether any Southern Nevada law enforcement agencies are still requiring ex-felons to carry a special card that identifies them as ex-felons. I would sincerely appreciate your letting me know at your earliest convenience if you are aware of any such requirement currently in place in the UNLV Department of Public Safety or any other law enforcement agency with which you are familiar.

Thank you for your time in this matter. If you have any questions or concerns regarding this letter, please do not hesitate to call me at (775) 684-6833.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda J. Erdoes".

Brenda J. Erdoes  
Legislative Counsel

Encl.

F 10 of 14

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LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



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LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

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ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

September 27, 2002

Sheriff Wade Lieseke  
Nye County Sheriff's Department  
PO Box 831  
Tonopah, NV 89049

Dear Sheriff Lieseke:

I am writing this letter upon the request of Assemblywoman Chris Giunchigliani to seek your assistance in a matter related to ex-felon identification cards. As Ms. Giunchigliani has explained to me, several of her constituents have been asked recently by officers of law enforcement agencies in Southern Nevada to show the officer their ex-felon identification card. As you are probably aware, the attached Attorney General Opinion, issued on May 2, 2002, (AGO 2002-20), states in relevant part that "[n]o Nevada statute and no valid local ordinance provides for the creation or issuance of, or a requirement that a person carry and produce, an 'ex-felon identification card.'"

We are seeking your assistance in determining whether any Southern Nevada law enforcement agencies are still requiring ex-felons to carry a special card that identifies them as ex-felons. I would sincerely appreciate your letting me know at your earliest convenience if you are aware of any such requirement currently in place in the Nye County Sheriff's Department or any other law enforcement agency with which you are familiar.

Thank you for your time in this matter. If you have any questions or concerns regarding this letter, please do not hesitate to call me at (775) 684-6833.

Sincerely,

A handwritten signature in cursive script that reads "Brenda J. Erdoes".

Brenda J. Erdoes  
Legislative Counsel

Encl.

DISTRICT OFFICES

STATE OF NEVADA

KENNY C. GUINN  
GOVERNOR

1301 CORDONE AVENUE   
RENO, NEVADA 89502  
(775) 688-1000



RICHARD KIRKLAND  
DIRECTOR

A. A. CAMPOS BUILDING   
215 E. BONANZA ROAD  
LAS VEGAS, NEVADA 89158  
(702) 486-3001

DEPARTMENT OF  
MOTOR VEHICLES AND PUBLIC SAFETY  
DIVISION OF PAROLE AND PROBATION

3920 E. IDAHO STREET   
ELKO, NEVADA 89801  
(775) 738-4088

R. WARREN LUTZOW  
CHIEF

119 E. LONG STREET   
CARSON CITY, NEVADA 89701  
(775) 687-5045

1445 HOT SPRINGS ROAD, No. 104  
CARSON CITY, NEVADA 89706  
(775) 687-5040

January 24, 2002

Allison Combs Principal Research Analyst  
Legislative Counsel Bureau  
401 S Carson Street  
Carson City NV 89701

Dear Ms. Combs:

I am in receipt of your letter dated January 14, 2002 concerning restoration of civil rights and ex-felon identification cards. As to the question posed regarding restoration of civil rights I can provide the following information:

Since July 2001, the Nevada Division of Parole and Probation has received forty-six requests for restoration of civil rights. We received thirteen packets of information back for investigation. Of those thirteen, four were ex-parolees or expired inmates and we sent the investigation to the Parole Board for completion; five were completed by the Division of Parole and Probation and the individuals rights were restored; and four were denied restoration.

As to your second question, offenders whose civil rights are restored, are they still required to carry an ex-felon identification card? This is a requirement of the counties, not the State. We have asked for an informal opinion/clarification from the Nevada Attorney General and we will forward that response to your office once it is received.

If you should have any more questions, or need additional information, please feel free to contact me at 775-684-2605.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Warren Lutzow".

R. Warren Lutzow, Chief  
Nevada Division of Parole and Probation

/jc

F 12 of 14

STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600

JAN 16 2002

LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
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ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6820

January 14, 2002

R. Warren Lutzow, Chief  
Division of Parole and Probation  
1445 Hot Springs Road, Suite 104  
Carson City, Nevada 89706-0667

Dear Chief Lutzow:

I am writing to request information on behalf of a legislator regarding the following two issues that involve the restoration of an offender's civil rights:

1. The first question relates to legislation from the 2001 Legislative Session. As you know, the procedures for requesting restoration of civil rights were modified in 2001. Under Assembly Bill 328 (Chapter 358, *Statutes of Nevada*), an offender who is honorably discharged from parole or probation, or who has expired his sentence, must now apply initially through the Division of Parole and Probation for restoration of his civil rights.


The legislator is interested in the progress in implementing these requirements. It would also be helpful if you could provide any statistics on the number of offenders whose civil rights have been restored, by region within the State, if such information is available.

2. The legislator is also interested in whether offenders whose civil rights have been restored are still required to carry an "ex-felon identification card," and whether this requirement is statutory. Although the statutes are clear that certain offenders whose civil rights are restored are still subject to the registration and community notification requirements under Chapter 179D of *Nevada Revised Statutes*, the statutes do not appear specifically to require offenders convicted of felonies whose civil rights have not been restored to carry such an identification card.

FB of 14

If possible, please provide a response by January 23, 2002. If you have any questions or concerns with regard to the inquiry or the requested deadline, please do not hesitate to contact me. Thank you for your continued assistance.

Sincerely,



Allison Combs  
Principal Research Analyst

AC/bbh:W20522-1

cc: Kathy Thompson, Division of Parole and Probation  
Linda Law, Policy Analyst, Office of the Governor