

SENATE BILL NO. 394—COMMITTEE ON JUDICIARY

MARCH 18, 2003

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to certain criminal statutes. (BDR 15-1026)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; revising the provisions of the crime relating to the annoyance and molestation of a minor to prohibit certain acts committed against certain children and mentally ill persons; prohibiting the luring of a child or mentally ill person under certain circumstances; providing that certain crimes committed against certain children or mentally ill persons constitute sexual offenses for the purposes of various statutes; providing that certain crimes committed against certain children or mentally ill persons constitute immoral conduct for the purposes of certain provisions related to educational personnel and that certain licensed educational employees forfeit their rights of employment if convicted of such crimes; revising certain provisions of the crime relating to manufacturing or compounding certain controlled substances; providing penalties; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 201.265 is hereby amended to read as follows:
2 201.265 Except as otherwise provided in NRS 200.720 and
3 201.2655, *and unless a greater penalty is provided pursuant to*
4 *NRS 201.560*, a person is guilty of a misdemeanor if the person
5 knowingly:



* S B 3 9 4 R 1 *

- 1 1. Distributes or causes to be distributed to a minor material
2 that is harmful to minors, unless the person is the parent, guardian or
3 spouse of the minor.
 - 4 2. Exhibits for distribution to an adult in such a manner or
5 location as to allow a minor to view or to have access to examine
6 material that is harmful to minors, unless the person is the parent,
7 guardian or spouse of the minor.
 - 8 3. Sells to a minor an admission ticket or pass for or otherwise
9 admits a minor for monetary consideration to any presentation of
10 material that is harmful to minors, unless the minor is accompanied
11 by his parent, guardian or spouse.
 - 12 4. Misrepresents that he is the parent, guardian or spouse of a
13 minor for the purpose of:
 - 14 (a) Distributing to the minor material that is harmful to minors;
15 or
 - 16 (b) Obtaining admission of the minor to any presentation of
17 material that is harmful to minors.
 - 18 5. Misrepresents his age as 18 or over for the purpose of
19 obtaining:
 - 20 (a) Material that is harmful to minors; or
 - 21 (b) Admission to any presentation of material that is harmful to
22 minors.
 - 23 6. Sells or rents motion pictures which contain material that is
24 harmful to minors on the premises of a business establishment open
25 to minors, unless the person creates an area within the establishment
26 for the placement of the motion pictures and any material that
27 advertises the sale or rental of the motion pictures which:
 - 28 (a) Prevents minors from observing the motion pictures or any
29 material that advertises the sale or rental of the motion pictures; and
 - 30 (b) Is labeled, in a prominent and conspicuous location, "Adults
31 Only."
- 32 **Sec. 2.** NRS 201.560 is hereby amended to read as follows:
33 201.560 1. Except as otherwise provided in subsection ~~[2,]~~ 3,
34 a person shall not ~~[use a computer, system or network to]~~ knowingly
35 contact or communicate with or attempt to contact or communicate
36 with a child who is less than 16 years of age and who is at least 5
37 years younger than the person with the intent to persuade, lure or
38 transport the child away from his home or from any location known
39 to his parent or guardian or other person legally responsible for the
40 child to a place other than where the child is located, for any
41 purpose:
 - 42 (a) Without the express consent of the parent or guardian or
43 other person legally responsible for the child; and
 - 44 (b) With the intent to avoid the consent of the parent or guardian
45 or other person legally responsible for the child.



1 2. *Except as otherwise provided in subsection 3, a person*
2 *shall not knowingly contact or communicate with a mentally ill*
3 *person with the intent to persuade, lure or transport the mentally*
4 *ill person away from his home or from any location known to any*
5 *person legally responsible for the mentally ill person to a place*
6 *other than where the mentally ill person is located:*

7 (a) *For any purpose that a reasonable person under the*
8 *circumstances would know would endanger the health, safety or*
9 *welfare of the mentally ill person;*

10 (b) *Without the express consent of the person legally*
11 *responsible for the mentally ill person; and*

12 (c) *With the intent to avoid the consent of the person legally*
13 *responsible for the mentally ill person.*

14 3. The provisions of this section do not apply if the contact or
15 communication is made or attempted with the intent to prevent
16 imminent bodily, emotional or psychological harm to the child ~~[-~~
17 ~~3-] or mentally ill person.~~

18 4. A person who violates or attempts to violate the provisions
19 of this section ~~[-] through the use of a computer, system or~~
20 ~~network:~~

21 (a) With the intent to engage in sexual conduct with the child *or*
22 *mentally ill person* or to cause the child *or mentally ill person*
23 to engage in sexual conduct, is guilty of a category B felony and shall
24 be punished by imprisonment in the state prison for a minimum
25 term of not less than 1 year and a maximum term of not more than
26 10 years and may be further punished by a fine of not more than
27 \$10,000;

28 (b) By providing the child *or mentally ill person* with ~~[obscene]~~
29 material *that is harmful to minors* or requesting the child *or*
30 *mentally ill person* to provide the person with ~~[obscene material,]~~
31 *material that is harmful to minors*, is guilty of a category C felony
32 and shall be punished as provided in NRS 193.130; or

33 (c) If paragraph (a) or (b) does not apply, is guilty of a gross
34 misdemeanor.

35 ~~[-] 5. A person who violates or attempts to violate the~~
36 ~~provisions of this section in a manner other than through the use~~
37 ~~of a computer, system or network:~~

38 (a) *With the intent to engage in sexual conduct with the child*
39 *or mentally ill person or to cause the child or mentally ill person to*
40 *engage in sexual conduct, is guilty of a category B felony and*
41 *shall be punished by imprisonment in the state prison for a*
42 *minimum term of not less than 2 years and a maximum term of*
43 *not more than 15 years and may be further punished by a fine of*
44 *not more than \$10,000;*



1 (b) *By providing the child or mentally ill person with material*
2 *that is harmful to minors or requesting the child or mentally ill*
3 *person to provide the person with material that is harmful to*
4 *minors, is guilty of a category B felony and shall be punished by*
5 *imprisonment in the state prison for a minimum term of not less*
6 *than 1 year and a maximum term of not more than 6 years and*
7 *may be further punished by a fine of not more than \$10,000; or*

8 (c) *If paragraph (a) or (b) does not apply, is guilty of a gross*
9 *misdemeanor.*

10 6. As used in this section:

11 (a) "Computer" has the meaning ascribed to it in NRS 205.4735.

12 (b) *"Harmful to minors" has the meaning ascribed to it in*
13 *NRS 201.257.*

14 (c) "Material" means anything that is capable of being used or
15 adapted to arouse interest, whether through the medium of reading,
16 observation, sound or in any other manner.

17 ~~[(e)]~~ (d) *"Mentally ill person" means a person who has any*
18 *mental dysfunction leading to impaired ability to maintain himself*
19 *and to function effectively in his life situation without external*
20 *support.*

21 (e) "Network" has the meaning ascribed to it in NRS 205.4745.

22 ~~[(d)]~~ ~~"Obscene" has the meaning ascribed to it in NRS 201.235.~~

23 ~~—(e)]~~ (f) "Sexual conduct" has the meaning ascribed to it in
24 NRS 201.520.

25 ~~[(f)]~~ (g) "System" has the meaning ascribed to it in
26 NRS 205.476.

27 **Sec. 3.** NRS 207.260 is hereby amended to read as follows:

28 207.260 1. ~~[(Unless a greater penalty is provided by specific~~
29 ~~statute, a person who annoys or molests or attempts to annoy or~~
30 ~~molest a minor, including, without limitation, soliciting a minor to~~
31 ~~engage in unlawful sexual conduct,] A person who, without lawful~~
32 *authority, willfully and maliciously engages in a course of conduct*
33 *with a child who is under 16 years of age and who is at least 5*
34 *years younger than the person which would cause a reasonable*
35 *child of like age to feel terrorized, frightened, intimidated or*
36 *harassed, and which actually causes the child to feel terrorized,*
37 *frightened, intimidated or harassed, commits the crime of*
38 *unlawful contact with a child.*

39 2. *A person who, without lawful authority, willfully and*
40 *maliciously engages in a course of conduct with a mentally ill*
41 *person which would cause a mentally ill person of like mental*
42 *condition to feel terrorized, frightened, intimidated or harassed,*
43 *and which actually causes the mentally ill person to feel*
44 *terrorized, frightened, intimidated or harassed, commits the crime*
45 *of unlawful contact with a mentally ill person.*



1 *3. The penalties provided in this section do not preclude the*
2 *victim from seeking any other legal remedy available.*

3 *4. Unless a greater penalty is provided by specific statute, a*
4 *person who commits the crime of unlawful contact with a child or*
5 *unlawful contact with a mentally ill person is guilty of:*

6 (a) For the first offense, a *gross* misdemeanor.

7 (b) For the second and each subsequent offense, a category B
8 felony and shall be punished by imprisonment in the state prison for
9 a minimum term of not less than 1 year and a maximum term of not
10 more than 6 years, and may be further punished by a fine of not
11 more than \$5,000.

12 ~~[2. For the purposes of this section, "soliciting" includes,~~
13 ~~without limitation, contacting a person directly, through the use of a~~
14 ~~telephone, in writing, through the use of a computer or through an~~
15 ~~advertisement.~~

16 ~~—3.] 5. As used in this section:~~

17 (a) ~~["Computer" has the meaning ascribed to it in~~
18 ~~NRS 205.4735.~~

19 ~~—(b) "Sexual conduct" has the meaning ascribed to it in~~
20 ~~NRS 200.700.] "Course of conduct" means a pattern of conduct~~
21 ~~which consists of a series of acts over time that evidences a~~
22 ~~continuity of purpose directed at a specific person.~~

23 (b) "Mentally ill person" means a person who has any mental
24 dysfunction leading to impaired ability to maintain himself and to
25 function effectively in his life situation without external support.

26 (c) "Without lawful authority" includes acts that are initiated
27 or continued without the victim's consent. The term does not
28 include acts that are otherwise protected or authorized by
29 constitutional or statutory law, regulation or order of a court of
30 competent jurisdiction, including, but not limited to:

31 (1) Picketing which occurs during a strike, work stoppage
32 or any other labor dispute.

33 (2) The activities of a reporter, photographer, cameraman
34 or other person while gathering information for communication to
35 the public if that person is employed or engaged by or has
36 contracted with a newspaper, periodical, press association or radio
37 or television station and is acting solely within that professional
38 capacity.

39 (3) The activities of a person that are carried out in the
40 normal course of his lawful employment.

41 (4) Any activities carried out in the exercise of the
42 constitutionally protected rights of freedom of speech and
43 assembly.



1 **Sec. 4.** NRS 62.138 is hereby amended to read as follows:
2 62.138 1. If a petition filed pursuant to the provisions of this
3 chapter contains allegations that a child committed an act which
4 would be a sexual offense if committed by an adult or which
5 involved the use or threatened use of force or violence against the
6 victim, the prosecuting attorney shall provide to the victim and a
7 parent or guardian of the victim, as soon as practicable after the
8 petition is filed, documentation that includes:
9 (a) A form advising the victim and the parent or guardian of
10 their rights pursuant to the provisions of this chapter; and
11 (b) The form or procedure that must be used to request
12 disclosure pursuant to subsection 12 of NRS 62.193.
13 2. As used in this section, "sexual offense" means:
14 (a) Sexual assault pursuant to NRS 200.366;
15 (b) Battery with intent to commit sexual assault pursuant to
16 NRS 200.400;
17 (c) An offense involving pornography and a minor pursuant to
18 NRS 200.710 to 200.730, inclusive;
19 (d) Open or gross lewdness pursuant to NRS 201.210;
20 (e) Indecent or obscene exposure pursuant to NRS 201.220;
21 (f) Lewdness with a child pursuant to NRS 201.230;
22 (g) Sexual penetration of a dead human body pursuant to
23 NRS 201.450;
24 (h) ~~[Annoyance or molestation of a minor pursuant to NRS~~
25 ~~207.260;]~~ *Luring a child or mentally ill person pursuant to NRS*
26 *201.560, if punishable as a felony;* or
27 (i) An attempt to commit an offense listed in this subsection.

28 **Sec. 5.** NRS 62.350 is hereby amended to read as follows:
29 62.350 1. The fingerprints of a child must be taken if the
30 child is in custody for an act that, if committed by an adult:
31 (a) Would be a felony, a gross misdemeanor or a sexual offense;
32 or
33 (b) Would be a misdemeanor, and the act involved:
34 (1) The use or threatened use of force or violence against the
35 victim; or
36 (2) The possession, use or threatened use of a firearm or a
37 deadly weapon.
38 2. The fingerprints of a child who is in custody but who is not
39 subject to the provisions of subsection 1 may be taken if a law
40 enforcement officer finds latent fingerprints during the investigation
41 of an offense and the officer has reason to believe that the latent
42 fingerprints are those of the child. The officer shall use the
43 fingerprints taken from the child to make an immediate comparison
44 with the latent fingerprints. If the comparison is:



1 (a) Negative, the fingerprint card and other copies of the
2 fingerprints taken may be immediately destroyed or may be retained
3 for future use.
4 (b) Positive, the fingerprint card and other copies of the
5 fingerprints:
6 (1) Must be delivered to the court for disposition if the child
7 is referred to court.
8 (2) May be immediately destroyed or may be retained for
9 future use if the child is not referred to court.
10 3. Fingerprints that are taken from a child pursuant to the
11 provisions of this section:
12 (a) May be retained in a local file or a local system for the
13 automatic retrieval of fingerprints if they are retained under special
14 security measures that limit inspection of the fingerprints to law
15 enforcement officers who are conducting criminal investigations. If
16 the child from whom the fingerprints are taken subsequently is not
17 adjudicated delinquent, the parent or guardian of the child or, when
18 the child becomes at least 18 years of age, the child may petition the
19 court for the removal of the fingerprints from any such local file or
20 local system.
21 (b) Must be submitted to the Central Repository for Nevada
22 Records of Criminal History if the child is adjudicated delinquent
23 for an act that, if committed by an adult, would be a felony or sexual
24 offense, and may be submitted to the Central Repository for any
25 other act. Any such fingerprints submitted to the Central Repository
26 must be submitted with a description of the child and the unlawful
27 act, if any, that the child committed. The Central Repository shall
28 retain the fingerprints and such information of the child under
29 special security measures that limit inspection of the fingerprints
30 and such information to law enforcement officers who are
31 conducting criminal investigations and to officers and employees of
32 the Central Repository who are assisting law enforcement officers
33 with criminal investigations or who are conducting research or
34 performing a statistical analysis.
35 (c) Must not be submitted to the Federal Bureau of Investigation
36 unless the child is adjudicated delinquent for an act that, if
37 committed by an adult, would be a felony or a sexual offense.
38 4. A child who is in custody must be photographed for the
39 purpose of identification. Except as otherwise provided in this
40 subsection, the photographs of the child must be kept in the file
41 pertaining to the child under special security measures which
42 provide that the photographs may be inspected only to conduct
43 criminal investigations and photographic lineups. If a court
44 subsequently determines that the child is not delinquent, the court
45 shall order the photographs to be destroyed.



- 1 5. Any person who willfully violates any provision of this
2 section is guilty of a misdemeanor.
- 3 6. As used in this section, "sexual offense" means:
- 4 (a) Sexual assault pursuant to NRS 200.366;
- 5 (b) Statutory sexual seduction pursuant to NRS 200.368;
- 6 (c) Battery with intent to commit sexual assault pursuant to
7 NRS 200.400;
- 8 (d) An offense involving pornography and a minor pursuant to
9 NRS 200.710 to 200.730, inclusive;
- 10 (e) Incest pursuant to NRS 201.180;
- 11 (f) Solicitation of a minor to engage in acts constituting the
12 infamous crime against nature pursuant to NRS 201.195;
- 13 (g) Open or gross lewdness pursuant to NRS 201.210;
- 14 (h) Indecent or obscene exposure pursuant to NRS 201.220;
- 15 (i) Lewdness with a child pursuant to NRS 201.230;
- 16 (j) Sexual penetration of a dead human body pursuant to
17 NRS 201.450;
- 18 (k) ~~Annoyance or molestation of a minor pursuant to NRS~~
19 ~~207.260;~~ *Luring a child or mentally ill person pursuant to NRS*
20 *201.560, if punishable as a felony;*
- 21 (l) An attempt to commit an offense listed in paragraphs (a) to
22 (k), inclusive; or
- 23 (m) An offense that is determined to be sexually motivated
24 pursuant to NRS 175.547.
- 25 **Sec. 6.** NRS 62.435 is hereby amended to read as follows:
- 26 62.435 "Sexual offense" means:
- 27 1. Sexual assault pursuant to NRS 200.366;
- 28 2. Battery with intent to commit sexual assault pursuant to
29 NRS 200.400;
- 30 3. An offense involving pornography and a minor pursuant to
31 NRS 200.710 to 200.730, inclusive;
- 32 4. Open or gross lewdness pursuant to NRS 201.210, if
33 punishable as a felony;
- 34 5. Indecent or obscene exposure pursuant to NRS 201.220, if
35 punishable as a felony;
- 36 6. Lewdness with a child pursuant to NRS 201.230;
- 37 7. Sexual penetration of a dead human body pursuant to
38 NRS 201.450;
- 39 8. ~~Annoyance or molestation of a minor pursuant to NRS~~
40 ~~207.260;~~ *Luring a child or mentally ill person pursuant to NRS*
41 *201.560, if punishable as a felony; or*
- 42 9. An attempt to commit an offense listed in this section, if
43 punishable as a felony.



1 **Sec. 7.** NRS 176.0931 is hereby amended to read as follows:

2 176.0931 1. If a defendant is convicted of a sexual offense,
3 the court shall include in sentencing, in addition to any other
4 penalties provided by law, a special sentence of lifetime supervision.

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

8 3. A person sentenced to lifetime supervision may petition the
9 district court in whose jurisdiction he resides for release from
10 lifetime supervision. The court shall grant a petition for release from
11 a special sentence of lifetime supervision if:

12 (a) The person has not been convicted of an offense that poses a
13 threat to the safety or well-being of others for an interval of at least
14 15 consecutive years after his last conviction or release from
15 incarceration, whichever occurs later; and

16 (b) The person is not likely to pose a threat to the safety of
17 others if released from lifetime supervision.

18 4. A person who is released from lifetime supervision pursuant
19 to the provisions of subsection 3 remains subject to the provisions
20 for registration as a sex offender and to the provisions for
21 community notification, unless he is otherwise relieved from the
22 operation of those provisions pursuant to the provisions of NRS
23 179D.350 to 179D.800, inclusive.

24 5. As used in this section:

25 (a) "Offense that poses a threat to the safety or well-being of
26 others" has the meaning ascribed to it in NRS 179D.060.

27 (b) "Sexual offense" means:

28 (1) A violation of NRS 200.366, subsection 4 of NRS
29 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,
30 NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of
31 subsection 1 of NRS 201.195, NRS 201.230 or 201.450 or
32 paragraph (a) or (b) of subsection ~~4~~ *4 or paragraph (a) or (b) of*
33 *subsection 5* of NRS 201.560;

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

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

40 **Sec. 8.** NRS 176.133 is hereby amended to read as follows:

41 176.133 As used in NRS 176.133 to 176.159, inclusive, unless
42 the context otherwise requires:

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



- 1 (a) A psychiatrist licensed to practice medicine in this state and
2 certified by the American Board of Psychiatry and Neurology ~~(A)~~,
3 *Inc.*;
- 4 (b) A psychologist licensed to practice in this state;
- 5 (c) A social worker holding a master's degree in social work and
6 licensed in this state as a clinical social worker;
- 7 (d) A registered nurse holding a master's degree in the field of
8 psychiatric nursing and licensed to practice professional nursing in
9 this state; or
- 10 (e) A marriage and family therapist licensed in this state
11 pursuant to chapter 641A of NRS.
- 12 2. "Psychosexual evaluation" means an evaluation conducted
13 pursuant to NRS 176.139.
- 14 3. "Sexual offense" means:
- 15 (a) Sexual assault pursuant to NRS 200.366;
- 16 (b) Statutory sexual seduction pursuant to NRS 200.368, if
17 punished as a felony;
- 18 (c) Battery with intent to commit sexual assault pursuant to
19 NRS 200.400;
- 20 (d) Abuse of a child pursuant to NRS 200.508, if the abuse
21 involved sexual abuse or sexual exploitation and is punished as a
22 felony;
- 23 (e) An offense involving pornography and a minor pursuant to
24 NRS 200.710 to 200.730, inclusive;
- 25 (f) Incest pursuant to NRS 201.180;
- 26 (g) Solicitation of a minor to engage in acts constituting the
27 infamous crime against nature pursuant to NRS 201.195, if punished
28 as a felony;
- 29 (h) Open or gross lewdness pursuant to NRS 201.210, if
30 punished as a felony;
- 31 (i) Indecent or obscene exposure pursuant to NRS 201.220, if
32 punished as a felony;
- 33 (j) Lewdness with a child pursuant to NRS 201.230;
- 34 (k) Sexual penetration of a dead human body pursuant to
35 NRS 201.450;
- 36 (l) Luring a child ~~[using a computer, system or network]~~ *or*
37 *mentally ill person* pursuant to NRS 201.560, if punished as a
38 felony;
- 39 ~~(m) [Annoyance or molestation of a minor pursuant to NRS~~
40 ~~207.260, if punished as a felony;~~
- 41 ~~(n)~~ An attempt to commit an offense listed in paragraphs (a) to
42 ~~(m)~~ *(l)*, inclusive, if punished as a felony; or
- 43 ~~(o)~~ *(n)* An offense that is determined to be sexually motivated
44 pursuant to NRS 175.547 or 207.193.



1 **Sec. 9.** NRS 176A.110 is hereby amended to read as follows:
2 176A.110 1. The court shall not grant probation to or
3 suspend the sentence of a person convicted of an offense listed in
4 subsection 3 unless:

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

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

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

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

29 (a) Attempted sexual assault of a person who is 16 years of age
30 or older pursuant to NRS 200.366.

31 (b) Statutory sexual seduction pursuant to NRS 200.368.

32 (c) Battery with intent to commit sexual assault pursuant to
33 NRS 200.400.

34 (d) Abuse or neglect of a child pursuant to NRS 200.508.

35 (e) An offense involving pornography and a minor pursuant to
36 NRS 200.710 to 200.730, inclusive.

37 (f) Incest pursuant to NRS 201.180.

38 (g) Solicitation of a minor to engage in acts constituting the
39 infamous crime against nature pursuant to NRS 201.195.

40 (h) Open or gross lewdness pursuant to NRS 201.210.

41 (i) Indecent or obscene exposure pursuant to NRS 201.220.

42 (j) Lewdness with a child pursuant to NRS 201.230.

43 (k) Sexual penetration of a dead human body pursuant to
44 NRS 201.450.



1 (l) Luring a child ~~{using a computer, system or network}~~ *or*
2 *mentally ill person* pursuant to NRS 201.560, if punished as a
3 felony.

4 (m) A violation of NRS 207.180.

5 (n) An attempt to commit an offense listed in paragraphs (b) to
6 (m), inclusive.

7 (o) Coercion or attempted coercion that is determined to be
8 sexually motivated pursuant to NRS 207.193.

9 **Sec. 10.** NRS 176A.413 is hereby amended to read as follows:

10 176A.413 1. Except as otherwise provided in subsection 2, if
11 a defendant is convicted of stalking with the use of an Internet or
12 network site or electronic mail or any other similar means of
13 communication pursuant to subsection 3 of NRS 200.575, an
14 offense involving pornography and a minor pursuant to NRS
15 200.710 to 200.730, inclusive, or luring a child ~~{using}~~ *or mentally*
16 *ill person through the use of* a computer, system or network
17 pursuant to paragraph (a) or (b) of subsection ~~{3}~~ 4 of NRS 201.560
18 and the court grants probation or suspends the sentence, the court
19 shall, in addition to any other condition ordered pursuant to NRS
20 176A.400, order as a condition of probation or suspension that the
21 defendant not own or use a computer, including, without limitation,
22 use electronic mail, a chat room or the Internet.

23 2. The court is not required to impose a condition of probation
24 or suspension of sentence set forth in subsection 1 if the court finds
25 that:

26 (a) The use of a computer by the defendant will assist a law
27 enforcement agency or officer in a criminal investigation;

28 (b) The defendant will use the computer to provide
29 technological training concerning technology of which the
30 defendant has a unique knowledge; or

31 (c) The use of the computer by the defendant will assist
32 companies that require the use of the specific technological
33 knowledge of the defendant that is unique and is otherwise
34 unavailable to the company.

35 3. Except as otherwise provided in subsection 1, if a defendant
36 is convicted of an offense that involved the use of a computer,
37 system or network and the court grants probation or suspends the
38 sentence, the court may, in addition to any other condition ordered
39 pursuant to NRS 176A.400, order as a condition of probation or
40 suspension that the defendant not own or use a computer, including,
41 without limitation, use electronic mail, a chat room or the Internet.

42 4. As used in this section:

43 (a) "Computer" has the meaning ascribed to it in NRS 205.4735.

44 (b) "Network" has the meaning ascribed to it in NRS 205.4745.

45 (c) "System" has the meaning ascribed to it in NRS 205.476.



1 **Sec. 11.** NRS 178.5698 is hereby amended to read as follows:
2 178.5698 1. The prosecuting attorney, sheriff or chief of
3 police shall, upon the written request of a victim or witness, inform
4 him:
5 (a) When the defendant is released from custody at any time
6 before or during the trial;
7 (b) If the defendant is so released, the amount of bail required, if
8 any; and
9 (c) Of the final disposition of the criminal case in which he was
10 directly involved.
11 2. If an offender is convicted of a sexual offense or an offense
12 involving the use or threatened use of force or violence against the
13 victim, the court shall provide:
14 (a) To each witness, documentation that includes:
15 (1) A form advising the witness of the right to be notified
16 pursuant to subsection 4;
17 (2) The form that the witness must use to request
18 notification; and
19 (3) The form or procedure that the witness must use to
20 provide a change of address after a request for notification has been
21 submitted.
22 (b) To each person listed in subsection 3, documentation that
23 includes:
24 (1) A form advising the person of the right to be notified
25 pursuant to subsection 4 or 5 and NRS 176.015, 176A.630, 209.392,
26 209.3925, 209.521, 213.010, 213.040, 213.095 and 213.130;
27 (2) The forms that the person must use to request
28 notification; and
29 (3) The forms or procedures that the person must use to
30 provide a change of address after a request for notification has been
31 submitted.
32 3. The following persons are entitled to receive documentation
33 pursuant to paragraph (b) of subsection 2:
34 (a) A person against whom the offense is committed.
35 (b) A person who is injured as a direct result of the commission
36 of the offense.
37 (c) If a person listed in paragraph (a) or (b) is under the age of
38 18 years, each parent or guardian who is not the offender.
39 (d) Each surviving spouse, parent and child of a person who is
40 killed as a direct result of the commission of the offense.
41 (e) A relative of a person listed in paragraphs (a) to (d),
42 inclusive, if the relative requests in writing to be provided with the
43 documentation.
44 4. Except as otherwise provided in subsection 5, if the offense
45 was a felony and the offender is imprisoned, the warden of the



1 prison shall, if the victim or witness so requests in writing and
2 provides his current address, notify him at that address when the
3 offender is released from the prison.

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

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

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

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

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

20 7. As used in this section:

21 (a) "Immediate family" means any adult relative of the victim
22 living in the victim's household.

23 (b) "Sexual offense" means:

24 (1) Sexual assault pursuant to NRS 200.366;

25 (2) Statutory sexual seduction pursuant to NRS 200.368;

26 (3) Battery with intent to commit sexual assault pursuant to
27 NRS 200.400;

28 (4) An offense involving pornography and a minor pursuant
29 to NRS 200.710 to 200.730, inclusive;

30 (5) Incest pursuant to NRS 201.180;

31 (6) Solicitation of a minor to engage in acts constituting the
32 infamous crime against nature pursuant to NRS 201.195;

33 (7) Open or gross lewdness pursuant to NRS 201.210;

34 (8) Indecent or obscene exposure pursuant to NRS 201.220;

35 (9) Lewdness with a child pursuant to NRS 201.230;

36 (10) Sexual penetration of a dead human body pursuant to
37 NRS 201.450;

38 (11) Luring a child ~~[using a computer, system or network]~~ *or*
39 *mentally ill person* pursuant to NRS 201.560, if punished as a
40 felony;

41 (12) ~~[Annoyance or molestation of a minor pursuant to~~
42 ~~NRS 207.260;~~

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



1 ~~(14)~~ (13) An attempt to commit an offense listed in this
2 paragraph.

3 **Sec. 12.** NRS 179.245 is hereby amended to read as follows:

4 179.245 1. Except as otherwise provided in subsection 5 and
5 NRS 176A.265, 179.259 and 453.3365, a person may petition the
6 court in which he was convicted for the sealing of all records
7 relating to a conviction of:

8 (a) A category A or B felony after 15 years from the date of his
9 release from actual custody or discharge from parole or probation,
10 whichever occurs later;

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

14 (c) A category E felony after 10 years from the date of his
15 release from actual custody or discharge from parole or probation,
16 whichever occurs later;

17 (d) Any gross misdemeanor after 7 years from the date of his
18 release from actual custody or discharge from probation, whichever
19 occurs later;

20 (e) A violation of NRS 484.379 other than a felony, or a battery
21 which constitutes domestic violence pursuant to NRS 33.018 other
22 than a felony, after 7 years from the date of his release from actual
23 custody or from the date when he is no longer under a suspended
24 sentence, whichever occurs later; or

25 (f) Any other misdemeanor after 3 years from the date of his
26 release from actual custody or from the date when he is no longer
27 under a suspended sentence, whichever occurs later.

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

29 (a) Be accompanied by current, verified records of the
30 petitioner's criminal history received from:

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

33 (2) The local law enforcement agency of the city or county in
34 which the conviction was entered;

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

40 (c) Include information that, to the best knowledge and belief of
41 the petitioner, accurately and completely identifies the records to be
42 sealed.

43 3. Upon receiving a petition pursuant to this section, the court
44 shall notify the law enforcement agency that arrested the petitioner
45 for the crime and:



1 (a) If the person was convicted in a district court or justice's
2 court, the prosecuting attorney for the county; or

3 (b) If the person was convicted in a municipal court, the
4 prosecuting attorney for the city.

5 The prosecuting attorney and any person having relevant evidence
6 may testify and present evidence at the hearing on the petition.

7 4. If, after the hearing, the court finds that, in the period
8 prescribed in subsection 1, the petitioner has not been charged with
9 any offense for which the charges are pending or convicted of any
10 offense, except for minor moving or standing traffic violations, the
11 court may order sealed all records of the conviction which are in the
12 custody of the court, of another court in the State of Nevada or of a
13 public or private agency, company or official in the State of Nevada,
14 and may also order all such criminal identification records of the
15 petitioner returned to the file of the court where the proceeding was
16 commenced from, including, but not limited to, the Federal Bureau
17 of Investigation, the California Bureau of Identification and
18 Information, sheriffs' offices and all other law enforcement agencies
19 reasonably known by either the petitioner or the court to have
20 possession of such records.

21 5. A person may not petition the court to seal records relating
22 to a conviction of a crime against a child or a sexual offense.

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

27 7. As used in this section:

28 (a) "Crime against a child" has the meaning ascribed to it in
29 NRS 179D.210.

30 (b) "Sexual offense" means:

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

35 (2) Sexual assault pursuant to NRS 200.366.

36 (3) Statutory sexual seduction pursuant to NRS 200.368, if
37 punishable as a felony.

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

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

44 (6) An offense involving the administration of a controlled
45 substance to another person with the intent to enable or assist the



- 1 commission of a crime of violence pursuant to NRS 200.408, if the
2 crime of violence is an offense listed in this paragraph.
3 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
4 involved sexual abuse or sexual exploitation.
5 (8) An offense involving pornography and a minor pursuant
6 to NRS 200.710 to 200.730, inclusive.
7 (9) Incest pursuant to NRS 201.180.
8 (10) Solicitation of a minor to engage in acts constituting the
9 infamous crime against nature pursuant to NRS 201.195.
10 (11) Open or gross lewdness pursuant to NRS 201.210, if
11 punishable as a felony.
12 (12) Indecent or obscene exposure pursuant to NRS 201.220,
13 if punishable as a felony.
14 (13) Lewdness with a child pursuant to NRS 201.230.
15 (14) Sexual penetration of a dead human body pursuant to
16 NRS 201.450.
17 (15) ~~Annoyance or molestation of a minor pursuant to NRS~~
18 ~~207.260.] Luring a child or mentally ill person pursuant to NRS~~
19 ~~201.560, if punishable as a felony.~~
20 (16) An attempt to commit an offense listed in subparagraphs
21 (1) to (15), inclusive.

22 **Sec. 13.** NRS 179.460 is hereby amended to read as follows:
23 179.460 1. The Attorney General or the district attorney of
24 any county may apply to a Supreme Court justice or to a district
25 judge in the county where the interception is to take place for an
26 order authorizing the interception of wire or oral communications,
27 and the judge may, in accordance with NRS 179.470 to 179.515,
28 inclusive, grant an order authorizing the interception of wire or oral
29 communications by investigative or law enforcement officers having
30 responsibility for the investigation of the offense as to which the
31 application is made, when the interception may provide evidence of
32 the commission of murder, kidnapping, robbery, extortion, bribery,
33 destruction of public property by explosives, a sexual offense
34 against a child or the commission of any offense which is made a
35 felony by the provisions of chapter 453 or 454 of NRS.
36 2. A good faith reliance by a public utility on a court order
37 shall constitute a complete defense to any civil or criminal action
38 brought against the public utility on account of any interception
39 made pursuant to the order.
40 3. As used in this section, "sexual offense against a child"
41 includes any act upon a child constituting:
42 (a) Incest pursuant to NRS 201.180;
43 (b) Lewdness with a child pursuant to NRS 201.230;
44 (c) ~~Annoyance or molestation of a child pursuant to~~
45 ~~NRS 207.260;~~



1 ~~(d)~~ Sado-masochistic abuse pursuant to NRS 201.262;
2 ~~(e)~~ (d) Sexual assault pursuant to NRS 200.366;
3 ~~(f)~~ (e) Statutory sexual seduction pursuant to NRS 200.368;
4 ~~(g)~~ (f) Open or gross lewdness pursuant to NRS 201.210; or
5 ~~(h)~~ (g) Luring a child ~~[using a computer, system or network]~~
6 *or mentally ill person* pursuant to NRS 201.560, if punished as a
7 felony.

8 **Sec. 14.** NRS 179A.073 is hereby amended to read as follows:
9 179A.073 1. "Sexual offense" includes acts upon a child
10 constituting:

- 11 (a) Sexual assault under NRS 200.366;
- 12 (b) Statutory sexual seduction under NRS 200.368;
- 13 (c) Use of a minor in producing pornography under
14 NRS 200.710;
- 15 (d) Promotion of a sexual performance of a minor under
16 NRS 200.720;
- 17 (e) Possession of a visual presentation depicting the sexual
18 conduct of a child under NRS 200.730;
- 19 (f) Incest under NRS 201.180;
- 20 (g) Solicitation of a minor to engage in the infamous crime
21 against nature under NRS 201.195;
- 22 (h) Lewdness with a child under NRS 201.230; *or*
- 23 (i) Luring a child ~~[using a computer, system or network]~~ *or*
24 *mentally ill person* pursuant to NRS 201.560, if punished as a
25 felony. ~~;~~

26 ~~(j) Annoyance or molestation of a minor under NRS 207.260.]~~
27 2. "Sexual offense" also includes acts committed outside the
28 State that would constitute any of the offenses in subsection 1 if
29 committed in the State, and the aiding, abetting, attempting or
30 conspiring to engage in any of the offenses in subsection 1.

31 **Sec. 15.** NRS 179A.280 is hereby amended to read as follows:
32 179A.280 As used in this section and NRS 179A.270 and
33 179A.290:

- 34 1. "Juvenile sex offender" means a child adjudicated
35 delinquent for an act that, if committed by an adult, would be a
36 sexual offense.
- 37 2. "Sexual offense" means:
 - 38 (a) Sexual assault pursuant to NRS 200.366;
 - 39 (b) Statutory sexual seduction pursuant to NRS 200.368;
 - 40 (c) Battery with intent to commit sexual assault pursuant to
41 NRS 200.400;
 - 42 (d) An offense involving pornography and a minor pursuant to
43 NRS 200.710 to 200.730, inclusive;
 - 44 (e) Incest pursuant to NRS 201.180;



- 1 (f) Solicitation of a minor to engage in acts constituting the
- 2 infamous crime against nature pursuant to NRS 201.195;
- 3 (g) Open or gross lewdness pursuant to NRS 201.210;
- 4 (h) Indecent or obscene exposure pursuant to NRS 201.220;
- 5 (i) Lewdness with a child pursuant to NRS 201.230;
- 6 (j) Sexual penetration of a dead human body pursuant to
- 7 NRS 201.450;
- 8 (k) Luring a child ~~using a computer, system or network~~ *or*
- 9 *mentally ill person* pursuant to NRS 201.560, if punished as a
- 10 felony;
- 11 ~~(l) Annoyance or molestation of a minor pursuant to~~
- 12 ~~NRS 207.260;~~
- 13 ~~(m)~~ An attempt to commit an offense listed in paragraphs (a) to
- 14 ~~(4), inclusive;~~
- 15 ~~(n)~~ *(k), inclusive;*
- 16 *(m)* An offense that is determined to be sexually motivated
- 17 pursuant to NRS 175.547; or
- 18 ~~(o)~~ *(n)* An offense committed in another jurisdiction that, if
- 19 committed in this state, would be an offense listed in this
- 20 subsection.
- 21 **Sec. 16.** NRS 179D.035 is hereby amended to read as follows:
- 22 179D.035 “Convicted” includes, but is not limited to, an
- 23 adjudication of delinquency or a finding of guilt by a court having
- 24 jurisdiction over juveniles if the adjudication of delinquency or the
- 25 finding of guilt is for the commission of any of the following
- 26 offenses:
- 27 1. A crime against a child that is listed in subsection 6 of
- 28 NRS 179D.210.
- 29 2. A sexual offense that is listed in subsection ~~20~~ *19* of
- 30 NRS 179D.410.
- 31 3. A sexual offense that is listed in paragraph (b) of subsection
- 32 2 of NRS 62.600.
- 33 **Sec. 17.** NRS 179D.400 is hereby amended to read as follows:
- 34 179D.400 1. “Sex offender” means a person who, after
- 35 July 1, 1956, is or has been:
- 36 (a) Convicted of a sexual offense listed in NRS 179D.410; or
- 37 (b) Adjudicated delinquent or found guilty by a court having
- 38 jurisdiction over juveniles of a sexual offense listed in subsection
- 39 ~~20~~ *19* of NRS 179D.410.
- 40 2. The term includes, but is not limited to:
- 41 (a) A sexually violent predator.
- 42 (b) A nonresident sex offender who is a student or worker
- 43 within this state.



1 **Sec. 18.** NRS 179D.410 is hereby amended to read as follows:
2 179D.410 “Sexual offense” means any of the following
3 offenses:
4 1. Murder of the first degree committed in the perpetration or
5 attempted perpetration of sexual assault or of sexual abuse or sexual
6 molestation of a child less than 14 years of age pursuant to
7 paragraph (b) of subsection 1 of NRS 200.030.
8 2. Sexual assault pursuant to NRS 200.366.
9 3. Statutory sexual seduction pursuant to NRS 200.368.
10 4. Battery with intent to commit sexual assault pursuant to
11 NRS 200.400.
12 5. An offense involving the administration of a drug to another
13 person with the intent to enable or assist the commission of a felony
14 pursuant to NRS 200.405, if the felony is an offense listed in this
15 section.
16 6. An offense involving the administration of a controlled
17 substance to another person with the intent to enable or assist the
18 commission of a crime of violence pursuant to NRS 200.408, if the
19 crime of violence is an offense listed in this section.
20 7. Abuse of a child pursuant NRS 200.508, if the abuse
21 involved sexual abuse or sexual exploitation.
22 8. An offense involving pornography and a minor pursuant to
23 NRS 200.710 to 200.730, inclusive.
24 9. Incest pursuant to NRS 201.180.
25 10. Solicitation of a minor to engage in acts constituting the
26 infamous crime against nature pursuant to NRS 201.195.
27 11. Open or gross lewdness pursuant to NRS 201.210.
28 12. Indecent or obscene exposure pursuant to NRS 201.220.
29 13. Lewdness with a child pursuant to NRS 201.230.
30 14. Sexual penetration of a dead human body pursuant to
31 NRS 201.450.
32 15. Luring a child ~~[using a computer, system or network]~~ *or*
33 *mentally ill person* pursuant to NRS 201.560, if punished as a
34 felony.
35 16. ~~[Annoyance or molestation of a minor pursuant to~~
36 ~~NRS 207.260.~~
37 ~~—17.]~~ An attempt to commit an offense listed in subsections 1 to
38 ~~[16, inclusive.~~
39 ~~—18.]~~ *15, inclusive.*
40 17. An offense that is determined to be sexually motivated
41 pursuant to NRS 175.547 or 207.193.
42 ~~[19.]~~ *18.* An offense committed in another jurisdiction that, if
43 committed in this state, would be an offense listed in this section.
44 This subsection includes, but is not limited to, an offense prosecuted
45 in:



- 1 (a) A tribal court.
- 2 (b) A court of the United States or the Armed Forces of the
- 3 United States.

4 ~~19.~~ **19.** An offense of a sexual nature committed in another
5 jurisdiction, whether or not the offense would be an offense listed in
6 this section, if the person who committed the offense resides or has
7 resided or is or has been a student or worker in any jurisdiction in
8 which the person is or has been required by the laws of that
9 jurisdiction to register as a sex offender because of the offense. This
10 subsection includes, but is not limited to, an offense prosecuted in:

- 11 (a) A tribal court.
- 12 (b) A court of the United States or the Armed Forces of the
- 13 United States.
- 14 (c) A court having jurisdiction over juveniles.

15 **Sec. 19.** NRS 179D.610 is hereby amended to read as follows:
16 179D.610 1. "Sex offender" means a person who, after
17 July 1, 1956, is or has been:

- 18 (a) Convicted of a sexual offense listed in NRS 179D.620; or
- 19 (b) Adjudicated delinquent or found guilty by a court having
- 20 jurisdiction over juveniles of a sexual offense listed in subsection
- 21 ~~19.~~ **19** of NRS 179D.620.

22 2. The term includes, but is not limited to:

- 23 (a) A sexually violent predator.
- 24 (b) A nonresident sex offender who is a student or worker
- 25 within this state.

26 **Sec. 20.** NRS 179D.620 is hereby amended to read as follows:
27 179D.620 "Sexual offense" means any of the following
28 offenses:

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

33 2. Sexual assault pursuant to NRS 200.366.

34 3. Statutory sexual seduction pursuant to NRS 200.368, if
35 punished as a felony.

36 4. Battery with intent to commit sexual assault pursuant to
37 NRS 200.400.

38 5. An offense involving the administration of a drug to another
39 person with the intent to enable or assist the commission of a felony
40 pursuant to NRS 200.405, if the felony is an offense listed in this
41 section.

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



- 1 7. Abuse of a child pursuant to NRS 200.508, if the abuse
- 2 involved sexual abuse or sexual exploitation and is punished as a
- 3 felony.
- 4 8. An offense involving pornography and a minor pursuant to
- 5 NRS 200.710 to 200.730, inclusive.
- 6 9. Incest pursuant to NRS 201.180.
- 7 10. Solicitation of a minor to engage in acts constituting the
- 8 infamous crime against nature pursuant to NRS 201.195, if punished
- 9 as a felony.
- 10 11. Open or gross lewdness pursuant to NRS 201.210, if
- 11 punished as a felony.
- 12 12. Indecent or obscene exposure pursuant to NRS 201.220, if
- 13 punished as a felony.
- 14 13. Lewdness with a child pursuant to NRS 201.230.
- 15 14. Sexual penetration of a dead human body pursuant to
- 16 NRS 201.450.
- 17 15. Luring a child ~~[using a computer, system or network]~~ *or*
- 18 *mentally ill person* pursuant to NRS 201.560, if punished as a
- 19 felony.
- 20 16. ~~[Annoyance or molestation of a minor pursuant to NRS~~
- 21 ~~207.260, if punished as a felony.~~
- 22 ~~—17.]~~ An attempt to commit an offense listed in subsections 1 to
- 23 ~~[6.]~~ *15*, inclusive, if punished as a felony.
- 24 ~~[8.]~~ *17*. An offense that is determined to be sexually
- 25 motivated pursuant to NRS 175.547 or 207.193.
- 26 ~~[9.]~~ *18*. An offense committed in another jurisdiction that, if
- 27 committed in this state, would be an offense listed in this section.
- 28 This subsection includes, but is not limited to, an offense prosecuted
- 29 in:
- 30 (a) A tribal court.
- 31 (b) A court of the United States or the Armed Forces of the
- 32 United States.
- 33 ~~[20.]~~ *19*. An offense of a sexual nature committed in another
- 34 jurisdiction and punished as a felony, whether or not the offense
- 35 would be an offense listed in this section, if the person who
- 36 committed the offense resides or has resided or is or has been a
- 37 student or worker in any jurisdiction in which the person is or has
- 38 been required by the laws of that jurisdiction to register as a sex
- 39 offender because of the offense. This subsection includes, but is not
- 40 limited to, an offense prosecuted in:
- 41 (a) A tribal court.
- 42 (b) A court of the United States or the Armed Forces of the
- 43 United States.
- 44 (c) A court having jurisdiction over juveniles.



1 **Sec. 21.** NRS 213.107 is hereby amended to read as follows:
2 213.107 As used in NRS 213.107 to 213.157, inclusive, unless
3 the context otherwise requires:

- 4 1. "Board" means the State Board of Parole Commissioners.
- 5 2. "Chief" means the Chief Parole and Probation Officer.
- 6 3. "Division" means the Division of Parole and Probation of
7 the Department of Public Safety.
- 8 4. "Residential confinement" means the confinement of a
9 person convicted of a crime to his place of residence under the terms
10 and conditions established by the board.
- 11 5. "Sex offender" means any person who has been or is
12 convicted of a sexual offense.
- 13 6. "Sexual offense" means:
14 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,
15 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS
16 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of
17 subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or
18 paragraph (a) or (b) of subsection ~~4~~ *4 or paragraph (a) or (b) of*
19 *subsection 5* of NRS 201.560;
20 (b) An attempt to commit any offense listed in paragraph (a); or
21 (c) An act of murder in the first or second degree, kidnapping in
22 the first or second degree, false imprisonment, burglary or invasion
23 of the home if the act is determined to be sexually motivated at a
24 hearing conducted pursuant to NRS 175.547.
- 25 7. "Standards" means the objective standards for granting or
26 revoking parole or probation which are adopted by the Board or the
27 Chief.

28 **Sec. 22.** NRS 213.1214 is hereby amended to read as follows:
29 213.1214 1. The Board shall not release on parole a prisoner
30 convicted of an offense listed in subsection 5 unless a panel
31 consisting of:
32 (a) The Administrator of the Division of Mental Health and
33 Developmental Services of the Department of Human Resources or
34 his designee;
35 (b) The Director of the Department of Corrections or his
36 designee; and
37 (c) A psychologist licensed to practice in this state or a
38 psychiatrist licensed to practice medicine in this state,
39 certifies that the prisoner was under observation while confined in
40 an institution of the Department of Corrections and does not
41 represent a high risk to reoffend based upon a currently accepted
42 standard of assessment.
43 2. A prisoner who has been certified pursuant to subsection 1
44 and who returns for any reason to the custody of the Department of



1 Corrections may not be paroled unless a panel recertifies him in the
2 manner set forth in subsection 1.

3 3. The panel may revoke the certification of a prisoner certified
4 pursuant to subsection 1 at any time.

5 4. This section does not create a right in any prisoner to be
6 certified or to continue to be certified. No prisoner may bring a
7 cause of action against the State, its political subdivisions, or the
8 agencies, boards, commissions, departments, officers or employees
9 of the State or its political subdivisions for not certifying a prisoner
10 pursuant to this section or for refusing to place a prisoner before a
11 panel for certification pursuant to this section.

12 5. The provisions of this section apply to a prisoner convicted
13 of any of the following offenses:

14 (a) Sexual assault pursuant to NRS 200.366.
15 (b) Statutory sexual seduction pursuant to NRS 200.368.
16 (c) Battery with intent to commit sexual assault pursuant to
17 NRS 200.400.

18 (d) Abuse or neglect of a child pursuant to NRS 200.508.
19 (e) An offense involving pornography and a minor pursuant to
20 NRS 200.710 to 200.730, inclusive.

21 (f) Incest pursuant to NRS 201.180.
22 (g) Solicitation of a minor to engage in acts constituting the
23 infamous crime against nature pursuant to NRS 201.195.

24 (h) Open or gross lewdness pursuant to NRS 201.210.

25 (i) Indecent or obscene exposure pursuant to NRS 201.220.

26 (j) Lewdness with a child pursuant to NRS 201.230.

27 (k) Sexual penetration of a dead human body pursuant to
28 NRS 201.450.

29 (l) Luring a child ~~using a computer, system or network~~ *or*
30 *mentally ill person* pursuant to NRS 201.560, if punished as a
31 felony.

32 (m) An attempt to commit an offense listed in paragraphs (a) to
33 ~~(m),~~ (l), inclusive.

34 (n) Coercion or attempted coercion that is determined to be
35 sexually motivated pursuant to NRS 207.193.

36 **Sec. 23.** NRS 213.1255 is hereby amended to read as follows:

37 213.1255 1. In addition to any conditions of parole required
38 to be imposed pursuant to NRS 213.1245, as a condition of
39 releasing on parole a prisoner who was convicted of committing an
40 offense listed in subsection 2 against a child under the age of 14
41 years, the Board shall, when appropriate:

42 (a) Require the parolee to participate in psychological
43 counseling;



1 (b) Prohibit the parolee from being alone with a child unless
2 another adult who has never been convicted of a sexual offense is
3 present; and

4 (c) Prohibit the parolee from being on or near the grounds of any
5 place that is primarily designed for use by or for children, including,
6 without limitation, a public or private school, a center or facility that
7 provides day care services, a video arcade and an amusement park.

8 2. The provisions of subsection 1 apply to a prisoner who was
9 convicted of:

10 (a) Sexual assault pursuant to paragraph (c) of subsection 3 of
11 NRS 200.366;

12 (b) Abuse or neglect of a child pursuant to subparagraph (1) of
13 paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a)
14 of subsection 2 of NRS 200.508;

15 (c) An offense punishable pursuant to subsection 2 of
16 NRS 200.750;

17 (d) Solicitation of a minor to engage in acts constituting the
18 infamous crime against nature pursuant to subparagraph (1) of
19 paragraph (a) of subsection 1 of NRS 201.195;

20 (e) Lewdness with a child pursuant to NRS 201.230;

21 (f) Luring a child ~~[using a computer, system or network]~~ *or*
22 *mentally ill person* pursuant to NRS 201.560, if punished as a
23 felony; or

24 (g) Any combination of the crimes listed in paragraphs (a) to (f),
25 inclusive.

26 **Sec. 24.** NRS 213.1258 is hereby amended to read as follows:

27 213.1258 1. Except as otherwise provided in subsection 2, if
28 the Board releases on parole a prisoner convicted of stalking with
29 the use of an Internet or network site or electronic mail or any other
30 similar means of communication pursuant to subsection 3 of NRS
31 200.575, an offense involving pornography and a minor pursuant to
32 NRS 200.710 to 200.730, inclusive, or luring a child ~~[using]~~ *or*
33 *mentally ill person through the use of* a computer, system or
34 network pursuant to paragraph (a) or (b) of subsection ~~[3]~~ 4 of NRS
35 201.560, the Board shall, in addition to any other condition of
36 parole, require as a condition of parole that the parolee not own or
37 use a computer, including, without limitation, use electronic mail, a
38 chat room or the Internet.

39 2. The Board is not required to impose a condition of parole set
40 forth in subsection 1 if the Board finds that:

41 (a) The use of a computer by the parolee will assist a law
42 enforcement agency or officer in a criminal investigation;

43 (b) The parolee will use the computer to provide technological
44 training concerning technology of which the defendant has a unique
45 knowledge; or



1 (c) The use of the computer by the parolee will assist companies
2 that require the use of the specific technological knowledge of the
3 parolee that is unique and is otherwise unavailable to the company.
4 3. Except as otherwise provided in subsection 1, if the Board
5 releases on parole a prisoner convicted of an offense that involved
6 the use of a computer, system or network, the Board may, in
7 addition to any other condition of parole, require as a condition of
8 parole that the parolee not own or use a computer, including,
9 without limitation, use electronic mail, a chat room or the Internet.
10 4. As used in this section:
11 (a) "Computer" has the meaning ascribed to it in NRS 205.4735.
12 (b) "Network" has the meaning ascribed to it in NRS 205.4745.
13 (c) "System" has the meaning ascribed to it in NRS 205.476.
14 **Sec. 25.** NRS 391.311 is hereby amended to read as follows:
15 391.311 As used in NRS 391.311 to 391.3197, inclusive,
16 unless the context otherwise requires:
17 1. "Administrator" means any employee who holds a license as
18 an administrator and who is employed in that capacity by a school
19 district.
20 2. "Board" means the board of trustees of the school district in
21 which a licensed employee affected by NRS 391.311 to 391.3197,
22 inclusive, is employed.
23 3. "Demotion" means demotion of an administrator to a
24 position of lesser rank, responsibility or pay and does not include
25 transfer or reassignment for purposes of an administrative
26 reorganization.
27 4. "Immorality" means an act forbidden by NRS 200.366,
28 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220,
29 201.230, 201.265 , **201.540, 201.560** or 207.260.
30 5. "Postprobationary employee" means an administrator or a
31 teacher who has completed the probationary period as provided in
32 NRS 391.3197 and has been given notice of reemployment.
33 6. "Probationary employee" means an administrator or a
34 teacher who is employed for the period set forth in NRS 391.3197.
35 7. "Superintendent" means the superintendent of a school
36 district or a person designated by the board or superintendent to act
37 as superintendent during the absence of the superintendent.
38 8. "Teacher" means a licensed employee the majority of whose
39 working time is devoted to the rendering of direct educational
40 service to pupils of a school district.
41 **Sec. 26.** NRS 391.314 is hereby amended to read as follows:
42 391.314 1. If a superintendent has reason to believe that
43 cause exists for the dismissal of a licensed employee and he is of the
44 opinion that the immediate suspension of the employee is necessary
45 in the best interests of the pupils in the district, the superintendent



1 may suspend the employee without notice and without a hearing.
2 Notwithstanding the provisions of NRS 391.312, a superintendent
3 may suspend a licensed employee who has been officially charged
4 but not yet convicted of a felony or a crime involving moral
5 turpitude or immorality. If the charge is dismissed or if the
6 employee is found not guilty, he must be reinstated with back pay,
7 plus interest, and normal seniority. The superintendent shall notify
8 the employee in writing of the suspension.

9 2. Within 5 days after a suspension becomes effective, the
10 superintendent shall begin proceedings pursuant to the provisions of
11 NRS 391.312 to 391.3196, inclusive, to effect the employee's
12 dismissal. The employee is entitled to continue to receive his salary
13 and other benefits after the suspension becomes effective until the
14 date on which the dismissal proceedings are commenced. The
15 superintendent may recommend that an employee who has been
16 charged with a felony or a crime involving immorality be dismissed
17 for another ground set forth in NRS 391.312.

18 3. If sufficient grounds for dismissal do not exist, the employee
19 must be reinstated with full compensation, plus interest.

20 4. A licensed employee who furnishes to the school district a
21 bond or other security which is acceptable to the board as a
22 guarantee that he will repay any amounts paid to him pursuant to
23 this subsection as salary during a period of suspension is entitled to
24 continue to receive his salary from the date on which the dismissal
25 proceedings are commenced until the decision of the board or the
26 report of the hearing officer, if the report is final and binding. The
27 board shall not unreasonably refuse to accept security other than a
28 bond. An employee who receives salary pursuant to this subsection
29 shall repay it if he is dismissed or not reemployed as a result of a
30 decision of the board or a report of a hearing officer.

31 5. A licensed employee who is convicted of a crime which
32 requires registration pursuant to NRS 179D.200 to 179D.290,
33 inclusive, or 179D.350 to 179D.550, inclusive, or is convicted of an
34 act forbidden by NRS 200.508, 201.190 , ~~for~~ 201.265 , **201.540,**
35 **201.560 or 207.260** forfeits all rights of employment from the date
36 of his arrest.

37 6. A licensed employee who is convicted of any crime and who
38 is sentenced to and serves any sentence of imprisonment forfeits all
39 rights of employment from the date of his arrest or the date on
40 which his employment terminated, whichever is later.

41 7. A licensed employee who is charged with a felony or a
42 crime involving immorality or moral turpitude and who waives his
43 right to a speedy trial while suspended may receive no more than 12
44 months of back pay and seniority upon reinstatement if he is found
45 not guilty or the charges are dismissed, unless proceedings have



1 been begun to dismiss the employee upon one of the other grounds
2 set forth in NRS 391.312.

3 8. A superintendent may discipline a licensed employee by
4 suspending the employee with loss of pay at any time after a hearing
5 has been held which affords the due process provided for in this
6 chapter. The grounds for suspension are the same as the grounds
7 contained in NRS 391.312. An employee may be suspended more
8 than once during the employee's contract year, but the total number
9 of days of suspension may not exceed 20 in 1 contract year. Unless
10 circumstances require otherwise, the suspensions must be
11 progressively longer.

12 **Sec. 27.** NRS 391.330 is hereby amended to read as follows:

13 391.330 The State Board may suspend or revoke the license of
14 any teacher, administrator or other licensed employee, after notice
15 and an opportunity for hearing have been provided pursuant to NRS
16 391.322 and 391.323, for:

- 17 1. Immoral or unprofessional conduct.
- 18 2. Evident unfitness for service.
- 19 3. Physical or mental incapacity which renders the teacher,
20 administrator or other licensed employee unfit for service.
- 21 4. Conviction of a felony or crime involving moral turpitude.
- 22 5. Conviction of a sex offense under NRS 200.366, 200.368,
23 201.190, 201.220, 201.230 , **201.540** or ~~207.260~~ **201.560** in which
24 a pupil enrolled in a school of a county school district was the
25 victim.
- 26 6. Knowingly advocating the overthrow of the Federal
27 Government or of the State of Nevada by force, violence or
28 unlawful means.
- 29 7. Persistent defiance of or refusal to obey the regulations of
30 the State Board, the Commission or the Superintendent of Public
31 Instruction, defining and governing the duties of teachers,
32 administrators and other licensed employees.
- 33 8. Breaches in the security or confidentiality of the questions
34 and answers of the achievement and proficiency examinations that
35 are administered pursuant to NRS 389.015.
- 36 9. Intentional failure to observe and carry out the requirements
37 of a plan to ensure the security of examinations adopted pursuant to
38 NRS 389.616 or 389.620.
- 39 10. An intentional violation of NRS 388.5265 or 388.527.

40 **Sec. 28.** NRS 432B.100 is hereby amended to read as follows:
41 432B.100 "Sexual abuse" includes acts upon a child
42 constituting:

- 43 1. Incest under NRS 201.180;
- 44 2. Lewdness with a child under NRS 201.230;
- 45 3. ~~Annoyance or molestation of a child under NRS 207.260;~~



- 1 ~~4.]~~ Sado-masochistic abuse under NRS 201.262;
- 2 ~~5.]~~ 4. Sexual assault under NRS 200.366;
- 3 ~~6.]~~ 5. Statutory sexual seduction under NRS 200.368;
- 4 ~~7.]~~ 6. Open or gross lewdness under NRS 201.210; and
- 5 ~~8.]~~ 7. Mutilation of the genitalia of a female child, aiding,
- 6 abetting, encouraging or participating in the mutilation of the
- 7 genitalia of a female child, or removal of a female child from this
- 8 state for the purpose of mutilating the genitalia of the child under
- 9 NRS 200.5083.

10 **Sec. 29.** NRS 453.322 is hereby amended to read as follows:

11 453.322 1. Except as authorized by the provisions of NRS
12 453.011 to 453.552, inclusive, it is unlawful for a person to ~~§~~
13 *knowingly or intentionally:*

14 (a) Manufacture or compound a controlled substance other than
15 marijuana. ~~§~~

16 (b) Possess ~~[a majority of the ingredients required]~~, *with the*
17 *intent* to manufacture or compound a controlled substance other
18 than marijuana ~~[, unless he is]~~ :

19 (1) *Any chemical identified in subsection 4; or*

20 (2) *Any other chemical which is proven by expert testimony*
21 *to be commonly used in manufacturing or compounding a*
22 *controlled substance other than marijuana. The district attorney*
23 *may present expert testimony to provide a prima facie case that*
24 *any chemical, whether or not it is a chemical identified in*
25 *subsection 4, is commonly used in manufacturing or*
26 *compounding such a controlled substance.*

27 *The provisions of this paragraph do not apply to a person who,*
28 *without the intent to commit an unlawful act, possesses any*
29 *chemical at a laboratory that is licensed to store ~~[such ingredients;~~*
30 *~~or]~~ the chemical.*

31 (c) Offer or attempt to do any act set forth in paragraph (a)
32 or (b).

33 2. Unless a greater penalty is provided in NRS 453.3385 or
34 453.3395, a person who violates ~~[the provisions]~~ *any provision* of
35 subsection 1 is guilty of a category B felony and shall be punished
36 by imprisonment in the state prison for a minimum term of not less
37 than 3 years and a maximum term of not more than 15 years, and
38 may be further punished by a fine of not more than \$100,000.

39 3. The court shall not grant probation to a person convicted
40 pursuant to this section.

41 *4. The following chemicals are identified for the purposes of*
42 *subsection 1:*

43 (a) *Acetic anhydride.*

44 (b) *Acetone.*

45 (c) *N-Acetylanthranilic acid, its esters and its salts.*



- 1 (d) *Anthranilic acid, its esters and its salts.*
2 (e) *Benzaldehyde, its salts, isomers and salts of isomers.*
3 (f) *Benzyl chloride.*
4 (g) *Benzyl cyanide.*
5 (h) *1,4-Butanediol.*
6 (i) *2-Butanone (or methyl ethyl ketone or MEK).*
7 (j) *Ephedrine, its salts, isomers and salts of isomers.*
8 (k) *Ergonovine and its salts.*
9 (l) *Ergotamine and its salts.*
10 (m) *Ethylamine, its salts, isomers and salts of isomers.*
11 (n) *Ethyl ether.*
12 (o) *Gamma butyrolactone.*
13 (p) *Hydriodic acid, its salts, isomers and salts of isomers.*
14 (q) *Hydrochloric gas.*
15 (r) *Iodine.*
16 (s) *Isosafrole, its salts, isomers and salts of isomers.*
17 (t) *Methylamine, its salts, isomers and salts of isomers.*
18 (u) *3,4-Methylenedioxy-phenyl-2-propanone.*
19 (v) *N-Methylephedrine, its salts, isomers and salts of isomers.*
20 (w) *Methyl isobutyl ketone (MIBK).*
21 (x) *N-Methylpseudoephedrine, its salts, isomers and salts of*
22 *isomers.*
23 (y) *Nitroethane, its salts, isomers and salts of isomers.*
24 (z) *Norpseudoephedrine, its salts, isomers and salts of isomers.*
25 (aa) *Phenylacetic acid, its esters and its salts.*
26 (bb) *Phenylpropanolamine, its salts, isomers and salts of*
27 *isomers.*
28 (cc) *Piperidine and its salts.*
29 (dd) *Piperonal, its salts, isomers and salts of isomers.*
30 (ee) *Potassium permanganate.*
31 (ff) *Propionic anhydride, its salts, isomers and salts of isomers.*
32 (gg) *Pseudoephedrine, its salts, isomers and salts of isomers.*
33 (hh) *Red phosphorous.*
34 (ii) *Safrole, its salts, isomers and salts of isomers.*
35 (jj) *Sulfuric acid.*
36 (kk) *Toluene.*
37 **Sec. 30.** This act becomes effective upon passage and
38 approval.

