
SENATE BILL NO. 397—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

MARCH 20, 2003

Referred to Committee on Judiciary

SUMMARY—Revises various provisions governing sex offenders and offenders convicted of crime against child. (BDR 14-441)

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

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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 public safety; revising certain provisions governing registration and community notification of sex offenders and offenders convicted of a crime against a child; requiring sex offenders and offenders convicted of a crime against a child who are enrolled in or work at institutions of higher education to register with local law enforcement agencies in whose jurisdiction the institutions of higher education are located; requiring such local law enforcement agencies to notify appropriate campus police departments; providing immunity for certain entities and persons for certain acts or omissions relating to information obtained, maintained or disclosed under certain circumstances; making various other changes concerning conditions of parole and probation for certain sex offenders; and providing other matters properly relating thereto.

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



* S B 3 9 7 *

1 **Section 1.** NRS 176.0926 is hereby amended to read as
2 follows:

3 176.0926 1. If a defendant is convicted of a crime against a
4 child, the court shall, before imposing sentence:

5 (a) Notify the Central Repository of the conviction of the
6 defendant, so the Central Repository may carry out the provisions
7 for registration of the defendant pursuant to NRS 179D.230.

8 (b) Inform the defendant of the requirements for registration,
9 including, but not limited to:

10 (1) The duty to register in this state during any period in
11 which he is a resident of this state or a nonresident who is a student
12 or worker within this state and the time within which he is required
13 to register pursuant to NRS 179D.240;

14 (2) The duty to register in any other jurisdiction during any
15 period in which he is a resident of the other jurisdiction or a
16 nonresident who is a student or worker within the other jurisdiction;

17 (3) If he moves from this state to another jurisdiction, the
18 duty to register with the appropriate law enforcement agency in the
19 other jurisdiction; ~~and~~

20 (4) The duty to notify the local law enforcement agency in
21 whose jurisdiction he formerly resided, in person or in writing, if he
22 changes the address at which he resides, including if he moves from
23 this state to another jurisdiction, or changes the primary address at
24 which he is a student or worker ~~and~~; *and*

25 (5) *The duty to notify immediately the appropriate local law*
26 *enforcement agency if the defendant is, expects to be or becomes*
27 *enrolled as a student at an institution of higher education or*
28 *changes the date of commencement or termination of his*
29 *enrollment at an institution of higher education or if the*
30 *defendant is, expects to be or becomes a worker at an institution of*
31 *higher education or changes the date of commencement or*
32 *termination of his work at an institution of higher education.*

33 (c) Require the defendant to read and sign a form confirming
34 that the requirements for registration have been explained to him.

35 2. The failure to provide the defendant with the information or
36 confirmation form required by paragraphs (b) and (c) of subsection
37 1 does not affect the duty of the defendant to register and to comply
38 with all other provisions for registration pursuant to NRS 179D.200
39 to 179D.290, inclusive.

40 **Sec. 2.** NRS 176.0927 is hereby amended to read as follows:

41 176.0927 1. If a defendant is convicted of a sexual offense,
42 the court shall, before imposing sentence:

43 (a) Notify the Central Repository of the conviction of the
44 defendant, so the Central Repository may carry out the provisions
45 for registration of the defendant pursuant to NRS 179D.450.



1 (b) Inform the defendant of the requirements for registration,
2 including, but not limited to:

3 (1) The duty to register in this state during any period in
4 which he is a resident of this state or a nonresident who is a student
5 or worker within this state and the time within which he is required
6 to register pursuant to NRS 179D.460;

7 (2) The duty to register in any other jurisdiction during any
8 period in which he is a resident of the other jurisdiction or a
9 nonresident who is a student or worker within the other jurisdiction;

10 (3) If he moves from this state to another jurisdiction, the
11 duty to register with the appropriate law enforcement agency in the
12 other jurisdiction; ~~and~~

13 (4) The duty to notify the local law enforcement agency in
14 whose jurisdiction he formerly resided, in person or in writing, if he
15 changes the address at which he resides, including if he moves from
16 this state to another jurisdiction, or changes the primary address at
17 which he is a student or worker ~~;~~ *and*

18 (5) *The duty to notify immediately the appropriate local law*
19 *enforcement agency if the defendant is, expects to be or becomes*
20 *enrolled as a student at an institution of higher education or*
21 *changes the date of commencement or termination of his*
22 *enrollment at an institution of higher education or if the*
23 *defendant is, expects to be or becomes a worker at an institution of*
24 *higher education or changes the date of commencement or*
25 *termination of his work at an institution of higher education.*

26 (c) Require the defendant to read and sign a form stating that the
27 requirements for registration have been explained to him.

28 2. The failure to provide the defendant with the information or
29 confirmation form required by paragraphs (b) and (c) of subsection
30 1 does not affect the duty of the defendant to register and to comply
31 with all other provisions for registration pursuant to NRS 179D.350
32 to 179D.550, inclusive.

33 **Sec. 3.** NRS 176A.410 is hereby amended to read as follows:

34 176A.410 1. Except as otherwise provided in subsection 3, if
35 a defendant is convicted of a sexual offense and the court grants
36 probation or suspends the sentence, the court shall, in addition to
37 any other condition ordered pursuant to NRS 176A.400, order as a
38 condition of probation or suspension of sentence that the defendant:

39 (a) Reside at a location only if it has been approved by the
40 parole and probation officer assigned to the defendant ~~;~~ *and keep*
41 *the parole and probation officer informed of his current address;*

42 (b) Accept a position of employment *or a position as a*
43 *volunteer* only if it has been approved by the parole and probation
44 officer assigned to the defendant ~~;~~ *and keep the parole and*



- 1 *probation officer informed of the location of his position of*
2 *employment or position as a volunteer;*
- 3 (c) Abide by any curfew imposed by the parole and probation
4 officer assigned to the defendant;
- 5 (d) Participate in and complete a program of professional
6 counseling approved by the Division;
- 7 (e) Submit to periodic tests, as requested by the parole and
8 probation officer assigned to the defendant, to determine whether
9 the defendant is using a controlled substance;
- 10 (f) Submit to periodic polygraph examinations, as requested by
11 the parole and probation officer assigned to the defendant;
- 12 (g) Abstain from consuming, possessing or having under his
13 control any alcohol;
- 14 (h) Not have contact or communicate with a victim of the sexual
15 offense or a witness who testified against the defendant or solicit
16 another person to engage in such contact or communication on
17 behalf of the defendant, unless approved by the parole and probation
18 officer assigned to the defendant, and a written agreement is entered
19 into and signed in the manner set forth in subsection 2;
- 20 (i) Not use aliases or fictitious names;
- 21 (j) Not obtain a post office box unless the defendant receives
22 permission from the parole and probation officer assigned to the
23 defendant;
- 24 (k) Not have contact with a person less than 18 years of age in a
25 secluded environment unless another adult who has never been
26 convicted of a sexual offense is present and permission has been
27 obtained from the parole and probation officer assigned to the
28 defendant in advance of each such contact;
- 29 (l) Unless approved by the parole and probation officer assigned
30 to the defendant and by a psychiatrist, psychologist or counselor
31 treating the defendant, if any, not be in or near:
- 32 (1) A playground, park, school or school grounds;
- 33 (2) A motion picture theater; or
- 34 (3) A business that primarily has children as customers or
35 conducts events that primarily children attend;
- 36 (m) Comply with any protocol concerning the use of
37 prescription medication prescribed by a treating physician,
38 including, without limitation, any protocol concerning the use of
39 psychotropic medication;
- 40 (n) Not possess any sexually explicit material that is deemed
41 inappropriate by the parole and probation officer assigned to the
42 defendant;
- 43 (o) Not patronize a business which offers a sexually related form
44 of entertainment and which is deemed inappropriate by the parole
45 and probation officer assigned to the defendant; ~~and~~



1 (p) Not possess any electronic device capable of accessing the
2 Internet and not access the Internet through any such device or any
3 other means, unless possession of such a device or such access is
4 approved by the parole and probation officer assigned to the
5 defendant ~~H~~; and

6 (q) *Inform the parole and probation officer assigned to the*
7 *defendant if the defendant expects to be or becomes enrolled as a*
8 *student at an institution of higher education or changes the date*
9 *of commencement or termination of his enrollment at an*
10 *institution of higher education. As used in this paragraph,*
11 *“institution of higher education” has the meaning ascribed to it in*
12 *section 6 of this act.*

13 2. A written agreement entered into pursuant to paragraph (h)
14 of subsection 1 must state that the contact or communication is in
15 the best interest of the victim or witness, and specify the type of
16 contact or communication authorized. The written agreement must
17 be signed and agreed to by:

- 18 (a) The victim or the witness;
- 19 (b) The defendant;
- 20 (c) The parole and probation officer assigned to the defendant;
- 21 (d) The psychiatrist, psychologist or counselor treating the
22 defendant, victim or witness, if any; and
- 23 (e) If the victim or witness is a child under 18 years of age, each
24 parent, guardian or custodian of the child.

25 3. The court is not required to impose a condition of probation
26 or suspension of sentence listed in subsection 1 if the court finds
27 that extraordinary circumstances are present and the court enters
28 those extraordinary circumstances in the record.

29 4. As used in this section, “sexual offense” has the meaning
30 ascribed to it in NRS 179D.410.

31 **Sec. 4.** Chapter 179D of NRS is hereby amended by adding
32 thereto the provisions set forth as sections 5 and 6 of this act.

33 **Sec. 5.** *“Campus police department” means any campus*
34 *police department or campus security department at an institution*
35 *of higher education.*

36 **Sec. 6.** *“Institution of higher education” means:*

37 *1. A university, college or community college which is*
38 *privately owned or which is part of the University and Community*
39 *College System of Nevada; and*

40 *2. A postsecondary educational institution, as defined in NRS*
41 *394.099, or any other institution of higher education.*

42 **Sec. 7.** NRS 179D.010 is hereby amended to read as follows:
43 179D.010 As used in this chapter, unless the context otherwise
44 requires, the words and terms defined in NRS 179D.020 to



1 179D.120, inclusive, *and sections 5 and 6 of this act* have the
2 meanings ascribed to them in those sections.

3 **Sec. 8.** NRS 179D.110 is hereby amended to read as follows:

4 179D.110 "Student" means a person who is enrolled in and
5 attends, on a full-time or part-time basis within this state, any course
6 of academic or vocational instruction conducted by a public or
7 private educational institution or school, including, but not limited to,
8 to, any of the following institutions or schools:

9 1. ~~[A university, college or community college which is~~
10 ~~privately owned or which is part of the University and Community~~
11 ~~College System of Nevada.~~

12 ~~2. A postsecondary educational institution, as defined in NRS~~
13 ~~394.099, or any other.] An~~ institution of higher education.

14 ~~[3.]~~ 2. A trade school or vocational school.

15 ~~[4.]~~ 3. A public school, as defined in NRS 385.007, or a private
16 school, as defined in NRS 394.103.

17 **Sec. 9.** NRS 179D.150 is hereby amended to read as follows:

18 179D.150 Except as otherwise provided in NRS 179D.530, a
19 record of registration must include, if the information is available:

20 1. Information identifying the offender, including, but not
21 limited to:

22 (a) The name of the offender and all aliases that he has used or
23 under which he has been known;

24 (b) A complete physical description of the offender, a current
25 photograph of the offender and the fingerprints of the offender;

26 (c) The date of birth and the social security number of the
27 offender;

28 (d) The identification number from a driver's license or an
29 identification card issued to the offender by this state or any other
30 jurisdiction; and

31 (e) Any other information that identifies the offender.

32 2. Information concerning the residence of the offender,
33 including, but not limited to:

34 (a) The address at which the offender resides;

35 (b) The length of time he has resided at that address and the
36 length of time he expects to reside at that address;

37 (c) The address or location of any other place where he expects
38 to reside in the future and the length of time he expects to reside
39 there; and

40 (d) The length of time he expects to remain in the county where
41 he resides and in this state.

42 3. Information concerning the offender's occupations,
43 employment or work or expected occupations, employment or work,
44 including, but not limited to, the name, address and type of business
45 of all current and expected future employers of the offender.



1 4. Information concerning the offender's volunteer service or
2 expected volunteer service in connection with any activity or
3 organization within this state, including, but not limited to, the
4 name, address and type of each such activity or organization.

5 5. Information concerning the offender's enrollment or
6 expected enrollment as a student in any public or private educational
7 institution or school within this state, including, but not limited to,
8 the name, address and type of each such educational institution or
9 school.

10 6. *Information concerning whether:*

11 (a) *The offender is, expects to be or becomes enrolled as a*
12 *student at an institution of higher education or changes the date*
13 *of commencement or termination of his enrollment at an*
14 *institution of higher education; or*

15 (b) *The offender is, expects to be or becomes a worker at an*
16 *institution of higher education or changes the date of*
17 *commencement or termination of his work at an institution of*
18 *higher education,*
19 *including, but not limited to, the name, address and type of each*
20 *such institution of higher education.*

21 7. The license number and a description of all motor vehicles
22 registered to or frequently driven by the offender.

23 ~~7.1~~ 8. The level of community notification assigned to the
24 offender.

25 ~~8.1~~ 9. The following information for each offense for which
26 the offender has been convicted:

27 (a) The court in which he was convicted;

28 (b) The name under which he was convicted;

29 (c) The name and location of each penal institution, school,
30 hospital, mental facility or other institution to which he was
31 committed;

32 (d) The specific location where the offense was committed;

33 (e) The age, the gender, the race and a general physical
34 description of the victim; and

35 (f) The method of operation that was used to commit the
36 offense, including, but not limited to:

37 (1) Specific sexual acts committed against the victim;

38 (2) The method of obtaining access to the victim, such as the
39 use of enticements, threats, forced entry or violence against the
40 victim;

41 (3) The type of injuries inflicted on the victim;

42 (4) The types of instruments, weapons or objects used;

43 (5) The type of property taken; and

44 (6) Any other distinctive characteristic of the behavior or
45 personality of the offender.



1 **Sec. 10.** NRS 179D.170 is hereby amended to read as follows:
2 179D.170 Upon receiving from ~~{the Division,}~~ *a local law*
3 *enforcement agency*, pursuant to NRS 179D.010 to 179D.550,
4 inclusive:

- 5 1. A record of registration;
 - 6 2. Fingerprints or a photograph of an offender;
 - 7 3. A new address of an offender; or
 - 8 4. Any other updated information,
- 9 the Central Repository shall immediately provide the record of
10 registration, fingerprints, photograph, new address or updated
11 information to the Federal Bureau of Investigation.

12 **Sec. 11.** NRS 179D.230 is hereby amended to read as follows:
13 179D.230 1. If the Central Repository receives notice from a
14 court pursuant to NRS 176.0926 that an offender has been convicted
15 of a crime against a child, the Central Repository shall:

16 (a) If a record of registration has not previously been established
17 for the offender, notify the local law enforcement agency so that a
18 record of registration may be established; or

19 (b) If a record of registration has previously been established for
20 the offender, update the record of registration for the offender and
21 notify the appropriate local law enforcement agencies.

22 2. If the offender named in the notice is granted probation or
23 otherwise will not be incarcerated or confined, the Central
24 Repository shall immediately provide notification concerning the
25 offender to the appropriate local law enforcement agencies and, if
26 the offender resides in a jurisdiction which is outside of this state, to
27 the appropriate law enforcement agency in that jurisdiction.

28 3. If an offender is incarcerated or confined and has previously
29 been convicted of a crime against a child, before the offender is
30 released:

31 (a) The Department of Corrections or a local law enforcement
32 agency in whose facility the offender is incarcerated or confined
33 shall:

34 (1) Inform the offender of the requirements for registration,
35 including, but not limited to:

36 (I) The duty to register in this state during any period in
37 which he is a resident of this state or a nonresident who is a student
38 or worker within this state and the time within which he is required
39 to register pursuant to NRS 179D.240;

40 (II) The duty to register in any other jurisdiction during
41 any period in which he is a resident of the other jurisdiction or a
42 nonresident who is a student or worker within the other jurisdiction;

43 (III) If he moves from this state to another jurisdiction,
44 the duty to register with the appropriate law enforcement agency in
45 the other jurisdiction; ~~{and}~~



1 (IV) The duty to notify the local law enforcement agency
2 for the jurisdiction in which he now resides, in person, and the
3 jurisdiction in which he most recently resided, in person or in
4 writing, if he changes the address at which he resides, including if
5 he moves from this state to another jurisdiction, or changes the
6 primary address at which he is a student or worker; and

7 (V) *The duty to notify immediately the appropriate local*
8 *law enforcement agency if the offender is, expects to be or*
9 *becomes enrolled as a student at an institution of higher education*
10 *or changes the date of commencement or termination of his*
11 *enrollment at an institution of higher education or if the offender*
12 *is, expects to be or becomes a worker at an institution of higher*
13 *education or changes the date of commencement or termination of*
14 *his work at an institution of higher education; and*

15 (2) Require the offender to read and sign a form confirming
16 that the requirements for registration have been explained to him
17 and to forward the form to the Central Repository.

18 (b) The Central Repository shall:

19 (1) Update the record of registration for the offender; and

20 (2) Provide notification concerning the offender to the
21 appropriate local law enforcement agencies and, if the offender will
22 reside upon release in a jurisdiction which is outside of this state, to
23 the appropriate law enforcement agency in that jurisdiction.

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

28 5. If the Central Repository receives notice from another
29 jurisdiction or the Federal Bureau of Investigation that an offender
30 convicted of a crime against a child is now residing or is a student or
31 worker within this state, the Central Repository shall:

32 (a) Immediately provide notification concerning the offender to
33 the appropriate local law enforcement agencies; and

34 (b) Establish a record of registration for the offender with the
35 assistance of the local law enforcement agency.

36 **Sec. 12.** NRS 179D.240 is hereby amended to read as follows:

37 179D.240 1. In addition to any other registration that is
38 required pursuant to NRS 179D.230, each offender who, after
39 July 1, 1956, is or has been convicted of a crime against a child shall
40 register with a local law enforcement agency pursuant to the
41 provisions of this section.

42 2. Except as otherwise provided in subsection 3, if the offender
43 resides or is present for 48 hours or more within:

44 (a) A county; or



1 (b) An incorporated city that does not have a city police
2 department,
3 the offender shall be deemed a resident offender and shall register
4 with the sheriff's office of the county or, if the county or the city is
5 within the jurisdiction of a metropolitan police department, the
6 metropolitan police department, not later than 48 hours after
7 arriving or establishing a residence within the county or the city.

8 3. If the offender resides or is present for 48 hours or more
9 within an incorporated city that has a city police department, the
10 offender shall be deemed a resident offender and shall register with
11 the city police department not later than 48 hours after arriving or
12 establishing a residence within the city.

13 4. If the offender is a nonresident offender who is a student or
14 worker within this state, the offender shall register with the
15 appropriate sheriff's office, metropolitan police department or city
16 police department in whose jurisdiction he is a student or worker not
17 later than 48 hours after becoming a student or worker within this
18 state.

19 5. *A resident or nonresident offender shall immediately notify*
20 *the appropriate local law enforcement agency if:*

21 (a) *The offender is, expects to be or becomes enrolled as a*
22 *student at an institution of higher education or changes the date*
23 *of commencement or termination of his enrollment at an*
24 *institution of higher education; or*

25 (b) *The offender is, expects to be or becomes a worker at an*
26 *institution of higher education or changes the date of*
27 *commencement or termination of his work at an institution of*
28 *higher education.*

29 *The offender shall provide the name, address and type of each*
30 *such institution of higher education.*

31 6. To register with a local law enforcement agency pursuant to
32 this section, the offender shall:

33 (a) Appear personally at the office of the appropriate local law
34 enforcement agency;

35 (b) Provide all information that is requested by the local law
36 enforcement agency, including, but not limited to, fingerprints and a
37 photograph; and

38 (c) Sign and date the record of registration or some other proof
39 of registration in the presence of an officer of the local law
40 enforcement agency.

41 ~~6.~~ 7. When an offender registers, the local law enforcement
42 agency shall:

43 (a) Inform the offender of the duty to notify the local law
44 enforcement agency if the offender changes the address at which he



1 resides or changes the primary address at which he is a student or
2 worker; and

3 (b) Inform the offender of the duty to register with the local law
4 enforcement agency in whose jurisdiction the offender relocates.

5 ~~[7.]~~ 8. After the offender registers with the local law
6 enforcement agency, the local law enforcement agency shall
7 forward to the Central Repository the information collected,
8 including the fingerprints and a photograph of the offender.

9 ~~[8.]~~ 9. If the Central Repository has not previously established
10 a record of registration for an offender described in subsection ~~[7.]~~
11 8, the Central Repository shall:

12 (a) Establish a record of registration for the offender; and

13 (b) Provide notification concerning the offender to the
14 appropriate local law enforcement agencies.

15 *10. When an offender notifies a local law enforcement*
16 *agency that:*

17 (a) *The offender is, expects to be or becomes enrolled as a*
18 *student at an institution of higher education or changes the date*
19 *of commencement or termination of his enrollment at an*
20 *institution of higher education; or*

21 (b) *The offender is, expects to be or becomes a worker at an*
22 *institution of higher education or changes the date of*
23 *commencement or termination of his work at an institution of*
24 *higher education,*

25 *and provides the name, address and type of each such institution*
26 *of higher education, the local law enforcement agency shall*
27 *immediately provide that information to the Central Repository*
28 *and to the appropriate campus police department.*

29 **Sec. 13.** NRS 179D.410 is hereby amended to read as follows:
30 179D.410 "Sexual offense" means any of the following
31 offenses:

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

36 2. Sexual assault pursuant to NRS 200.366.

37 3. Statutory sexual seduction pursuant to NRS 200.368.

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 another
41 person with the intent to enable or assist the commission of a felony
42 pursuant to NRS 200.405, if the felony is an offense listed in this
43 section.

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 section.
- 3 7. Abuse of a child pursuant NRS 200.508, if the abuse
4 involved sexual abuse or sexual exploitation.
- 5 8. An offense involving pornography and a minor pursuant to
6 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.
- 11 12. Indecent or obscene exposure pursuant to NRS 201.220.
- 12 13. Lewdness with a child pursuant to NRS 201.230.
- 13 14. Sexual penetration of a dead human body pursuant to
14 NRS 201.450.
- 15 15. Luring a child using a computer, system or network
16 pursuant to NRS 201.560, if punished as a felony.
- 17 16. Annoyance or molestation of a minor pursuant to
18 NRS 207.260.
- 19 17. An attempt *or conspiracy* to commit an offense listed in
20 subsections 1 to 16, inclusive.
- 21 18. An offense that is determined to be sexually motivated
22 pursuant to NRS 175.547 or 207.193.
- 23 19. An offense committed in another jurisdiction that, if
24 committed in this state, would be an offense listed in this section.
25 This subsection includes, but is not limited to, an offense prosecuted
26 in:
- 27 (a) A tribal court.
- 28 (b) A court of the United States or the Armed Forces of the
29 United States.
- 30 20. An offense of a sexual nature committed in another
31 jurisdiction, whether or not the offense would be an offense listed in
32 this section, if the person who committed the offense resides or has
33 resided or is or has been a student or worker in any jurisdiction in
34 which the person is or has been required by the laws of that
35 jurisdiction to register as a sex offender because of the offense. This
36 subsection includes, but is not limited to, an offense prosecuted in:
- 37 (a) A tribal court.
- 38 (b) A court of the United States or the Armed Forces of the
39 United States.
- 40 (c) A court having jurisdiction over juveniles.
- 41 **Sec. 14.** NRS 179D.450 is hereby amended to read as follows:
42 179D.450 1. If the Central Repository receives notice from a
43 court pursuant to NRS 176.0927 that a sex offender has been
44 convicted of a sexual offense or pursuant to NRS 62.590 that a



1 juvenile sex offender has been deemed to be an adult sex offender,
2 the Central Repository shall:

3 (a) If a record of registration has not previously been established
4 for the sex offender, notify the local law enforcement agency so that
5 a record of registration may be established; or

6 (b) If a record of registration has previously been established for
7 the sex offender, update the record of registration for the sex
8 offender and notify the appropriate local law enforcement agencies.

9 2. If the sex offender named in the notice is granted probation
10 or otherwise will not be incarcerated or confined or if the sex
11 offender named in the notice has been deemed to be an adult sex
12 offender pursuant to NRS 62.590 and is not otherwise incarcerated
13 or confined:

14 (a) The Central Repository shall immediately provide
15 notification concerning the sex offender to the appropriate local law
16 enforcement agencies and, if the sex offender resides in a
17 jurisdiction which is outside of this state, to the appropriate law
18 enforcement agency in that jurisdiction; and

19 (b) If the sex offender is subject to community notification, the
20 Central Repository shall arrange for the assessment of the risk of
21 recidivism of the sex offender pursuant to the guidelines and
22 procedures for community notification established by the Attorney
23 General pursuant to NRS 179D.600 to 179D.800, inclusive.

24 3. If a sex offender is incarcerated or confined and has
25 previously been convicted of a sexual offense as described in NRS
26 179D.410, before the sex offender is released:

27 (a) The Department of Corrections or a local law enforcement
28 agency in whose facility the sex offender is incarcerated or confined
29 shall:

30 (1) Inform the sex offender of the requirements for
31 registration, including, but not limited to:

32 (I) The duty to register in this state during any period in
33 which he is a resident of this state or a nonresident who is a student
34 or worker within this state and the time within which he is required
35 to register pursuant to NRS 179D.460;

36 (II) The duty to register in any other jurisdiction during
37 any period in which he is a resident of the other jurisdiction or a
38 nonresident who is a student or worker within the other jurisdiction;

39 (III) If he moves from this state to another jurisdiction,
40 the duty to register with the appropriate law enforcement agency in
41 the other jurisdiction; ~~and~~

42 (IV) The duty to notify the local law enforcement agency
43 for the jurisdiction in which he now resides, in person, and the
44 jurisdiction in which he formerly resided, in person or in writing, if
45 he changes the address at which he resides, including if he moves



1 from this state to another jurisdiction, or changes the primary
2 address at which he is a student or worker; and

3 *(V) The duty to notify immediately the appropriate local*
4 *law enforcement agency if the sex offender is, expects to be or*
5 *becomes enrolled as a student at an institution of higher education*
6 *or changes the date of commencement or termination of his*
7 *enrollment at an institution of higher education or if the sex*
8 *offender is, expects to be or becomes a worker at an institution of*
9 *higher education or changes the date of commencement or*
10 *termination of his work at an institution of higher education; and*

11 (2) Require the sex offender to read and sign a form
12 confirming that the requirements for registration have been
13 explained to him and to forward the form to the Central Repository.

14 (b) The Central Repository shall:

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

16 (2) If the sex offender is subject to community notification,
17 arrange for the assessment of the risk of recidivism of the sex
18 offender pursuant to the guidelines and procedures for community
19 notification established by the Attorney General pursuant to NRS
20 179D.600 to 179D.800, inclusive; and

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

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

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

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

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

36 (c) If the sex offender is subject to community notification,
37 arrange for the assessment of the risk of recidivism of the sex
38 offender pursuant to the guidelines and procedures for community
39 notification established by the Attorney General pursuant to NRS
40 179D.600 to 179D.800, inclusive.

41 **Sec. 15.** NRS 179D.460 is hereby amended to read as follows:

42 179D.460 1. In addition to any other registration that is
43 required pursuant to NRS 179D.450, each sex offender who, after
44 July 1, 1956, is or has been convicted of a sexual offense shall



1 register with a local law enforcement agency pursuant to the
2 provisions of this section.

3 2. Except as otherwise provided in subsection 3, if the sex
4 offender resides or is present for 48 hours or more within:

5 (a) A county; or

6 (b) An incorporated city that does not have a city police
7 department,

8 the sex offender shall be deemed a resident sex offender and shall
9 register with the sheriff's office of the county or, if the county or the
10 city is within the jurisdiction of a metropolitan police department,
11 the metropolitan police department, not later than 48 hours after
12 arriving or establishing a residence within the county or the city.

13 3. If the sex offender resides or is present for 48 hours or more
14 within an incorporated city that has a city police department, the sex
15 offender shall be deemed a resident sex offender and shall register
16 with the city police department not later than 48 hours after arriving
17 or establishing a residence within the city.

18 4. If the sex offender is a nonresident sex offender who is a
19 student or worker within this state, the sex offender shall register
20 with the appropriate sheriff's office, metropolitan police department
21 or city police department in whose jurisdiction he is a student or
22 worker not later than 48 hours after becoming a student or worker
23 within this state.

24 5. *A resident or nonresident sex offender shall immediately*
25 *notify the appropriate local law enforcement agency if:*

26 (a) *The sex offender is, expects to be or becomes enrolled as a*
27 *student at an institution of higher education or changes the date*
28 *of commencement or termination of his enrollment at an*
29 *institution of higher education; or*

30 (b) *The sex offender is, expects to be or becomes a worker at*
31 *an institution of higher education or changes the date of*
32 *commencement or termination of his work at an institution of*
33 *higher education.*

34 *The sex offender shall provide the name, address and type of each*
35 *such institution of higher education.*

36 6. To register with a local law enforcement agency pursuant to
37 this section, the sex offender shall:

38 (a) Appear personally at the office of the appropriate local law
39 enforcement agency;

40 (b) Provide all information that is requested by the local law
41 enforcement agency, including, but not limited to, fingerprints and a
42 photograph; and

43 (c) Sign and date the record of registration or some other proof
44 of registration of the local law enforcement agency in the presence
45 of an officer of the local law enforcement agency.



1 ~~6.1~~ 7. When a sex offender registers, the local law enforcement
2 agency shall:

3 (a) Inform the sex offender of the duty to notify the local law
4 enforcement agency if the sex offender changes the address at which
5 he resides, including if he moves from this state to another
6 jurisdiction, or changes the primary address at which he is a student
7 or worker; and ~~8.1~~

8 (b) Inform the sex offender of the duty to register with the local
9 law enforcement agency in whose jurisdiction the sex offender
10 relocates.

11 ~~7.1~~ 8. After the sex offender registers with the local law
12 enforcement agency, the local law enforcement agency shall
13 forward to the Central Repository the information collected,
14 including the fingerprints and a photograph of the sex offender.

15 ~~8.1~~ 9. If the Central Repository has not previously established
16 a record of registration for a sex offender described in subsection
17 ~~7.1~~ 8, the Central Repository shall:

18 (a) Establish a record of registration for the sex offender;

19 (b) Provide notification concerning the sex offender to the
20 appropriate local law enforcement agencies; and

21 (c) If the sex offender is subject to community notification and
22 has not otherwise been assigned a level of notification, arrange for
23 the assessment of the risk of recidivism of the sex offender pursuant
24 to the guidelines and procedures for community notification
25 established by the Attorney General pursuant to NRS 179D.600 to
26 179D.800, inclusive.

27 *10. When a sex offender notifies a local law enforcement
28 agency that:*

29 *(a) The sex offender is, expects to be or becomes enrolled as a
30 student at an institution of higher education or changes the date
31 of commencement or termination of his enrollment at an
32 institution of higher education; or*

33 *(b) The sex offender is, expects to be or becomes a worker at
34 an institution of higher education or changes the date of
35 commencement or termination of his work at an institution of
36 higher education,
37 and provides the name, address and type of each such institution
38 of higher education, the local law enforcement agency shall
39 immediately provide that information to the Central Repository
40 and to the appropriate campus police department.*

41 **Sec. 16.** NRS 179D.620 is hereby amended to read as follows:
42 179D.620 "Sexual offense" means any of the following
43 offenses:

44 1. Murder of the first degree committed in the perpetration or
45 attempted perpetration of sexual assault or of sexual abuse or sexual



- 1 molestation of a child less than 14 years of age pursuant to
2 paragraph (b) of subsection 1 of NRS 200.030.
- 3 2. Sexual assault pursuant to NRS 200.366.
- 4 3. Statutory sexual seduction pursuant to NRS 200.368, if
5 punished as a felony.
- 6 4. Battery with intent to commit sexual assault pursuant to
7 NRS 200.400.
- 8 5. An offense involving the administration of a drug to another
9 person with the intent to enable or assist the commission of a felony
10 pursuant to NRS 200.405, if the felony is an offense listed in this
11 section.
- 12 6. An offense involving the administration of a controlled
13 substance to another person with the intent to enable or assist the
14 commission of a crime of violence pursuant to NRS 200.408, if the
15 crime of violence is an offense listed in this section.
- 16 7. Abuse of a child pursuant to NRS 200.508, if the abuse
17 involved sexual abuse or sexual exploitation and is punished as a
18 felony.
- 19 8. An offense involving pornography and a minor pursuant to
20 NRS 200.710 to 200.730, inclusive.
- 21 9. Incest pursuant to NRS 201.180.
- 22 10. Solicitation of a minor to engage in acts constituting the
23 infamous crime against nature pursuant to NRS 201.195, if punished
24 as a felony.
- 25 11. Open or gross lewdness pursuant to NRS 201.210, if
26 punished as a felony.
- 27 12. Indecent or obscene exposure pursuant to NRS 201.220, if
28 punished as a felony.
- 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
33 pursuant to NRS 201.560, if punished as a felony.
- 34 16. Annoyance or molestation of a minor pursuant to NRS
35 207.260, if punished as a felony.
- 36 17. An attempt *or conspiracy* to commit an offense listed in
37 subsections 1 to 16, inclusive, if punished as a felony.
- 38 18. An offense that is determined to be sexually motivated
39 pursuant to NRS 175.547 or 207.193.
- 40 19. An offense committed in another jurisdiction that, if
41 committed in this state, would be an offense listed in this section.
42 This subsection includes, but is not limited to, an offense prosecuted
43 in:
44 (a) A tribal court.



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

3 20. An offense of a sexual nature committed in another
4 jurisdiction and punished as a felony, whether or not the offense
5 would be an offense listed in this section, if the person who
6 committed the offense resides or has resided or is or has been a
7 student or worker in any jurisdiction in which the person is or has
8 been required by the laws of that jurisdiction to register as a sex
9 offender because of the offense. This subsection includes, but is not
10 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. 17.** NRS 179D.710 is hereby amended to read as follows:

16 179D.710 1. The Attorney General shall consult with the
17 Advisory Council for Community Notification and shall establish
18 guidelines and procedures for community notification pursuant to
19 NRS 179D.600 to 179D.800, inclusive.

20 2. The guidelines and procedures established by the Attorney
21 General must be designed to promote, to the extent practicable, the
22 uniform application of the provisions of NRS 179D.600 to
23 179D.800, inclusive.

24 3. The provisions of NRS 179D.600 to 179D.800, inclusive,
25 must not be construed to prevent ~~Haw~~:

26 (a) *Law* enforcement officers from providing the public with
27 notification concerning persons who pose a threat to the safety of
28 the public.

29 (b) *A campus police department from providing the campus
30 community with notification concerning persons who pose a threat
31 to the safety of the campus community.*

32 **Sec. 18.** NRS 179D.850 is hereby amended to read as follows:

33 179D.850 1. Information that is disclosed pursuant to the
34 provisions of this chapter must not reveal the name of an individual
35 victim of an offense.

36 2. A law enforcement agency and its officers and employees ,
37 *the Central Repository and its officers and employees, and a
38 campus police department and its officers and employees* are
39 immune from criminal or civil liability for an act or omission
40 relating to information obtained, maintained or disclosed pursuant to
41 the provisions of this chapter, including, but not limited to, an act or
42 omission relating to:

43 (a) The accuracy of information in a record of registration; or

44 (b) The disclosure of or the failure to disclose information
45 pursuant to the provisions of this chapter.



- 1 **Sec. 19.** NRS 213.1245 is hereby amended to read as follows:
2 213.1245 1. Except as otherwise provided in subsection 3, if
3 the Board releases on parole a prisoner convicted of an offense
4 listed in NRS 179D.620, the Board shall, in addition to any other
5 condition of parole, require as a condition of parole that the parolee:
6 (a) Reside at a location only if it has been approved by the
7 parole and probation officer assigned to the parolee ~~§~~ *and keep the*
8 *parole and probation officer informed of his current address;*
9 (b) Accept a position of employment *or a position as a*
10 *volunteer* only if it has been approved by the parole and probation
11 officer assigned to the parolee ~~§~~ *and keep the parole and*
12 *probation officer informed of the location of his position of*
13 *employment or position as a volunteer;*
14 (c) Abide by any curfew imposed by the parole and probation
15 officer assigned to the parolee;
16 (d) Participate in and complete a program of professional
17 counseling approved by the Division;
18 (e) Submit to periodic tests, as requested by the parole and
19 probation officer assigned to the parolee, to determine whether the
20 parolee is using a controlled substance;
21 (f) Submit to periodic polygraph examinations, as requested by
22 the parole and probation officer assigned to the parolee;
23 (g) Abstain from consuming, possessing or having under his
24 control any alcohol;
25 (h) Not have contact or communicate with a victim of the
26 offense or a witness who testified against the parolee or solicit
27 another person to engage in such contact or communication on
28 behalf of the parolee, unless approved by the parole and probation
29 officer assigned to the parolee, and a written agreement is entered
30 into and signed in the manner set forth in subsection 2;
31 (i) Not use aliases or fictitious names;
32 (j) Not obtain a post office box unless the parolee receives
33 permission from the parole and probation officer assigned to the
34 parolee;
35 (k) Not have contact with a person less than 18 years of age in a
36 secluded environment unless another adult who has never been
37 convicted of an offense listed in NRS 179D.410 is present and
38 permission has been obtained from the parole and probation officer
39 assigned to the parolee in advance of each such contact;
40 (l) Unless approved by the parole and probation officer assigned
41 to the parolee and by a psychiatrist, psychologist or counselor
42 treating the parolee, if any, not be in or near:
43 (1) A playground, park, school or school grounds;
44 (2) A motion picture theater; or



- 1 (3) A business that primarily has children as customers or
2 conducts events that primarily children attend;
- 3 (m) Comply with any protocol concerning the use of
4 prescription medication prescribed by a treating physician,
5 including, without limitation, any protocol concerning the use of
6 psychotropic medication;
- 7 (n) Not possess any sexually explicit material that is deemed
8 inappropriate by the parole and probation officer assigned to the
9 parolee;
- 10 (o) Not patronize a business which offers a sexually related form
11 of entertainment and which is deemed inappropriate by the parole
12 and probation officer assigned to the parolee; ~~and~~
- 13 (p) Not possess any electronic device capable of accessing the
14 Internet and not access the Internet through any such device or any
15 other means, unless possession of such a device or such access is
16 approved by the parole and probation officer assigned to the parolee
17 ~~;~~ *and*
- 18 *(q) Inform the parole and probation officer assigned to the*
19 *parolee if the parolee expects to be or becomes enrolled as a*
20 *student at an institution of higher education or changes the date*
21 *of commencement or termination of his enrollment at an*
22 *institution of higher education. As used in this paragraph,*
23 *“institution of higher education” has the meaning ascribed to it in*
24 *section 6 of this act.*
- 25 2. A written agreement entered into pursuant to paragraph (h)
26 of subsection 1 must state that the contact or communication is in
27 the best interest of the victim or witness, and specify the type of
28 contact or communication authorized. The written agreement must
29 be signed and agreed to by:
- 30 (a) The victim or the witness;
- 31 (b) The parolee;
- 32 (c) The parole and probation officer assigned to the parolee;
- 33 (d) The psychiatrist, psychologist or counselor treating the
34 parolee, victim or witness, if any; and
- 35 (e) If the victim or witness is a child under 18 years of age, each
36 parent, guardian or custodian of the child.
- 37 3. The Board is not required to impose a condition of parole
38 listed in subsection 1 if the Board finds that extraordinary
39 circumstances are present and the Board states those extraordinary
40 circumstances in writing.
- 41 **Sec. 20.** This act becomes effective upon passage and
42 approval.

