

Amendment No. 883

Assembly Amendment to Senate Bill No. 169 First Reprint <span style="float: right;">(BDR 15-472)</span> <b>Proposed by:</b> Assembly Committee on Judiciary <b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes Digest: Yes
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Adoption of this amendment will REMOVE the unfunded mandate from S.B. 169 R1.
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ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/>	Lost <input type="checkbox"/> _____	Adopted <input type="checkbox"/>	Lost <input type="checkbox"/> _____
Concurred In <input type="checkbox"/>	Not <input type="checkbox"/> _____	Concurred In <input type="checkbox"/>	Not <input type="checkbox"/> _____
Receded <input type="checkbox"/>	Not <input type="checkbox"/> _____	Receded <input type="checkbox"/>	Not <input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BJF



Date: 5/22/2017

S.B. No. 169—Revises provisions relating to sexual offenses. (BDR 15-472)





SENATE BILL NO. 169—SENATOR HARRIS

PREFILED FEBRUARY 13, 2017

JOINT SPONSORS: ASSEMBLYMAN YEAGER

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to sexual offenses. (BDR 15-472)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.

Effect on the State: Yes.

~~{CONTAINS UNFUNDED MANDATE (§§ 1-3, 1-7)  
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)}~~

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

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AN ACT relating to crimes; ~~{requiring each law enforcement agency in this State to establish a sexual assault forensic evidence kit tracking program; requiring a law enforcement agency to submit sexual assault forensic evidence kits to a forensic laboratory within a certain period of time after receipt thereof; requiring a forensic laboratory, upon request of a victim, to test a sexual assault forensic evidence kit within a certain period after receipt thereof and to report certain information concerning sexual assault forensic evidence kits on an annual basis;}~~ prohibiting employees and contractors of and volunteers for certain entities from engaging in sexual conduct with children or young adults under the care, custody, control or supervision of the entity; ~~{making various changes to the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice;}~~ revising provisions prohibiting certain employees of or volunteers at a public or private school from engaging in sexual conduct with certain pupils; revising provisions prohibiting certain employees of a college or university from engaging in sexual conduct with certain students; providing penalties; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Section 1.2 of this bill requires each law enforcement agency that receives sexual assault forensic evidence kits, also known as "SAFE kits," to: (1) establish a program to track SAFE kits; and (2) provide access to the program to certain victims and agencies. Section 1.2 also provides civil immunity to certain persons who participate in the program in good faith and without gross negligence.~~

~~Section 1.7 of this bill requires a law enforcement agency to submit a SAFE kit to the applicable forensic laboratory responsible for conducting a genetic marker analysis not later than 30 days after receiving the SAFE kit. Section 1.7 also requires each forensic laboratory that receives a SAFE kit from a law enforcement agency to: (1) test the SAFE kit not later than 180 days after receiving the SAFE kit, if the victim of a sexual assault requests such testing; and (2) report annually to the Subcommittee to Review DNA of the Advisory Commission on the Administration of Justice and to the Director of the Legislative Counsel Bureau, for transmittal to the next session of the Legislature, or to the Legislative Commission, as applicable. The report must include information concerning the number of SAFE kits that have been in the possession of the forensic laboratory for a period longer than 1 year and which have not been tested.~~

~~Existing law establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice and requires the Subcommittee to evaluate, review and submit a report to the Commission regarding certain issues relating to arrestee DNA. (NRS 176.01246) Section 10 of this bill: (1) revises the name of the Subcommittee to reflect the broader duties assigned pursuant to this bill; and (2) requires the Subcommittee to additionally evaluate, review and submit a report to the Commission regarding the submittal, storage and testing of SAFE kits.]~~

Existing law imposes criminal penalties on certain employees of or volunteers at a school who engage in sexual conduct with certain pupils. (NRS 201.540) Section 8 of this bill enacts similar provisions to impose criminal penalties on certain employees or contractors of and volunteers for certain entities who engage in sexual conduct with a child or young adult under the care, custody, control or supervision of the entity. **Section 8** provides that a person is guilty of a category C felony if he or she: (1) is 25 years of age or older; (2) is in a position of authority as an employee or contractor of or volunteer for an agency which provides child welfare services, a department of juvenile justice services, foster home or the Youth Parole Bureau; and (3) engages in sexual conduct with a person who is 16 years of age or older but less than 18 years of age and who is under the care, custody, control or supervision of the agency, department or Bureau.

**Sections 2-7** of this bill expand the prohibition on the public disclosure of the identity of a victim of a sexual assault to include a victim of an offense involving sexual conduct between certain employees or contractors of or volunteers for an agency which provides child welfare services, a department of juvenile justice services or the Youth Parole Bureau and a person under the care, custody, control or supervision of the agency, department or Bureau.

Existing law provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is or was employed by or is or was volunteering at a public or private school; and (3) engages in sexual conduct with a pupil who is 16 years of age or older and who is or was enrolled at or attending the school. (NRS 201.540) Section 8.3 of this bill: (1) provides that this crime applies only to an employee of or volunteer at a school who is in a position of authority; and (2) clarifies that the exemption from this crime for an employee or volunteer who is married to the pupil applies only if the employee or volunteer and the pupil are married at the time the prohibited act is committed.

Similarly, existing law generally provides that a person is guilty of a category C felony if he or she: (1) is 21 years of age or older; (2) is employed in a position of authority by a college or university; and (3) engages in sexual conduct with a student who is 16 years of age or older, who has not received a high school diploma, a general educational development certificate or an equivalent document and who is enrolled at or attending the college or university. (NRS 201.550) Section 8.7 of this bill clarifies that the exemption from this crime for an employee who is married to the student applies only if the employee and the student are married at the time the prohibited act is committed.

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

1       **Section 1.** ~~[Chapter 200 of NRS is hereby amended by adding thereto the~~  
2 ~~provisions set forth as sections 1.3 and 1.7 of this act.] **(Deleted by amendment.)**~~

3       **Sec. 1.3.** ~~*1. Each law enforcement agency that receives sexual assault*~~  
4 ~~*forensic evidence kits shall establish a program to track sexual assault forensic*~~  
5 ~~*evidence kits. The law enforcement agency may contract with any appropriate*~~  
6 ~~*public or private agency, organization or institution to carry out the provisions of*~~  
7 ~~*this section, including, without limitation, entering into an interlocal agreement*~~  
8 ~~*pursuant to NRS 277.080 to 277.180, inclusive, with another law enforcement*~~  
9 ~~*agency that has established a program to track sexual assault forensic evidence*~~  
10 ~~*kits.*~~

11       ~~*2. A program to track sexual assault forensic evidence kits must:*~~

12       ~~*(a) Track the location and status of sexual assault forensic evidence kits,*~~  
13 ~~*including, without limitation, the initial forensic medical examination, receipt by*~~  
14 ~~*the law enforcement agency and receipt and genetic marker analysis at a forensic*~~  
15 ~~*laboratory.*~~

16       ~~*(b) Allow providers of health care who perform forensic medical*~~  
17 ~~*examinations, law enforcement agencies, prosecutors, forensic laboratories and*~~  
18 ~~*any other entities having sexual assault forensic evidence kits in their custody to*~~  
19 ~~*track the status and location of sexual assault forensic evidence kits.*~~

20       ~~*(c) Allow a victim of sexual assault to anonymously track or receive updates*~~  
21 ~~*regarding the status and location of his or her sexual assault forensic evidence*~~  
22 ~~*kit.*~~

23       ~~*3. Any agency or person who acts pursuant to this section in good faith and*~~  
24 ~~*without gross negligence is immune from civil liability for those acts.] **(Deleted***~~  
25 ~~*by amendment.)*~~

26       **Sec. 1.7.** ~~*1. Except as otherwise provided in this subsection, a law*~~  
27 ~~*enforcement agency shall, not later than 30 days after receiving a sexual assault*~~  
28 ~~*forensic evidence kit, submit the sexual assault forensic evidence kit to the*~~  
29 ~~*applicable forensic laboratory responsible for conducting a genetic marker*~~  
30 ~~*analysis. The provisions of this subsection do not apply to any noninvestigatory*~~  
31 ~~*sexual assault forensic evidence kit associated with a victim who:*~~

32       ~~*(a) Has chosen to remain anonymous; or*~~

33       ~~*(b) Indicates that he or she is not a victim of sexual assault.*~~

34       ~~*2. A forensic laboratory shall, not later than 180 days after receiving a*~~  
35 ~~*sexual assault forensic evidence kit from a law enforcement agency, test the*~~  
36 ~~*sexual assault forensic evidence kit.*~~

37       ~~*3. Each forensic laboratory that receives a sexual assault forensic evidence*~~  
38 ~~*kit from a law enforcement agency shall, on or before August 31 of each year,*~~  
39 ~~*submit a report to the Subcommittee to Review DNA of the Advisory Commission*~~  
40 ~~*on the Administration of Justice created by NRS 176.01246 and the Director of*~~  
41 ~~*the Legislative Counsel Bureau for transmittal to the Legislature, if the*~~  
42 ~~*Legislature is in session, or to the Legislative Commission, if the Legislature is*~~  
43 ~~*not in session. The report must contain the total number of sexual assault*~~  
44 ~~*forensic evidence kits which have:*~~

45       ~~*(a) Been in the possession of the forensic laboratory for a period longer than*~~  
46 ~~*1 year and*~~

47       ~~*(b) Not been tested.] **(Deleted by amendment.)***~~

1           **Sec. 2.** NRS 200.364 is hereby amended to read as follows:  
2           200.364 As used in NRS 200.364 to 200.3784, inclusive, ~~and sections 1.3~~  
3 ~~and 1.7 of this act,~~ unless the context otherwise requires:

4           1. ~~“Forensic laboratory” has the meaning ascribed to it in NRS 176.09117.~~

5           ~~2. “Forensic medical examination” has the meaning ascribed to it in NRS~~  
6 ~~217.300.~~

7           ~~3. “Genetic marker analysis” has the meaning ascribed to it in NRS~~  
8 ~~176.09118.~~

9           ~~4.~~ “Offense involving a pupil ~~¶~~ **or child**” means any of the following  
10 offenses:

11           (a) Sexual conduct between certain employees of a school or volunteers at a  
12 school and a pupil pursuant to NRS 201.540.

13           (b) Sexual conduct between certain employees of a college or university and a  
14 student pursuant to NRS 201.550.

15           (c) *Sexual conduct between certain employees or contractors of or volunteers*  
16 *for an entity which provides services to children and a person under the care,*  
17 *custody, control or supervision of the entity pursuant to section 8 of this act.*

18           ~~5.~~ “Perpetrator” means a person who commits a sexual offense, an  
19 offense involving a pupil **or child** or sex trafficking.

20           ~~6.~~ “Sex trafficking” means a violation of subsection 2 of NRS 201.300.

21           ~~7. “Sexual assault forensic evidence kit” means the forensic evidence~~  
22 ~~obtained from a forensic medical examination.~~

23           ~~8.~~ “Sexual offense” means any of the following offenses:

24           (a) Sexual assault pursuant to NRS 200.366.

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

26           ~~9.~~ “Sexual penetration” means cunnilingus, fellatio, or any intrusion,  
27 however slight, of any part of a person’s body or any object manipulated or inserted  
28 by a person into the genital or anal openings of the body of another, including  
29 sexual intercourse in its ordinary meaning. The term does not include any such  
30 conduct for medical purposes.

31           ~~10.~~ “Statutory sexual seduction” means ordinary sexual intercourse, anal  
32 intercourse or sexual penetration committed by a person 18 years of age or older  
33 with a person who is 14 or 15 years of age and who is at least 4 years younger than  
34 the perpetrator.

35           ~~11.~~ “Victim” means a person who is a victim of a sexual offense, an  
36 offense involving a pupil **or child** or sex trafficking.

37           ~~12. “Victim of sexual assault” has the meaning ascribed to it in NRS~~  
38 ~~217.280.~~

39           **Sec. 3.** NRS 200.377 is hereby amended to read as follows:

40           200.377 The Legislature finds and declares that:

41           1. This State has a compelling interest in assuring that the victim of a sexual  
42 offense, an offense involving a pupil **or child** or sex trafficking:

43           (a) Reports the sexual offense, offense involving a pupil **or child** or sex  
44 trafficking to the appropriate authorities;

45           (b) Cooperates in the investigation and prosecution of the sexual offense,  
46 offense involving a pupil **or child** or sex trafficking; and

47           (c) Testifies at the criminal trial of the person charged with committing the  
48 sexual offense, offense involving a pupil **or child** or sex trafficking.

49           2. The fear of public identification and invasion of privacy are fundamental  
50 concerns for the victims of sexual offenses, offenses involving a pupil **or child** or  
51 sex trafficking. If these concerns are not addressed and the victims are left  
52 unprotected, the victims may refrain from reporting and prosecuting sexual  
53 offenses, offenses involving a pupil **or child** or sex trafficking.

1           3. A victim of a sexual offense, an offense involving a pupil *or child* or sex  
2 trafficking may be harassed, intimidated and psychologically harmed by a public  
3 report that identifies the victim. A sexual offense, an offense involving a pupil *or*  
4 *child* or sex trafficking is, in many ways, a unique, distinctive and intrusive  
5 personal trauma. The consequences of identification are often additional  
6 psychological trauma and the public disclosure of private personal experiences.

7           4. Recent public criminal trials have focused attention on these issues and  
8 have dramatized the need for basic protections for the victims of sexual offenses,  
9 offenses involving a pupil *or child* or sex trafficking.

10          5. The public has no overriding need to know the individual identity of the  
11 victim of a sexual offense, an offense involving a pupil *or child* or sex trafficking.

12          6. The purpose of NRS 200.3771 to 200.3774, inclusive, is to protect the  
13 victims of sexual offenses, offenses involving a pupil *or child* or sex trafficking  
14 from harassment, intimidation, psychological trauma and the unwarranted invasion  
15 of their privacy by prohibiting the disclosure of their identities to the public.

16          **Sec. 4.** NRS 200.3771 is hereby amended to read as follows:

17          200.3771 1. Except as otherwise provided in this section, any information  
18 which is contained in:

19           (a) Court records, including testimony from witnesses;

20           (b) Intelligence or investigative data, reports of crime or incidents of criminal  
21 activity or other information;

22           (c) Records of criminal history, as that term is defined in NRS 179A.070; and

23           (d) Records in the Central Repository for Nevada Records of Criminal History,  
24 → that reveals the identity of a victim of a sexual offense, an offense involving a  
25 pupil *or child* or sex trafficking is confidential, including but not limited to the  
26 victim's photograph, likeness, name, address or telephone number.

27          2. A defendant charged with a sexual offense, an offense involving a pupil *or*  
28 *child* or sex trafficking and the defendant's attorney are entitled to all identifying  
29 information concerning the victim in order to prepare the defense of the defendant.  
30 The defendant and the defendant's attorney shall not disclose this information  
31 except, as necessary, to those persons directly involved in the preparation of the  
32 defense.

33          3. A court of competent jurisdiction may authorize the release of the  
34 identifying information, upon application, if the court determines that:

35           (a) The person making the application has demonstrated to the satisfaction of  
36 the court that good cause exists for the disclosure;

37           (b) The disclosure will not place the victim at risk of personal harm; and

38           (c) Reasonable notice of the application and an opportunity to be heard have  
39 been given to the victim.

40          4. Nothing in this section prohibits:

41           (a) Any publication or broadcast by the media concerning a sexual offense, an  
42 offense involving a pupil *or child* or sex trafficking.

43           (b) The disclosure of identifying information to any nonprofit organization or  
44 public agency whose purpose is to provide counseling, services for the management  
45 of crises or other assistance to the victims of crimes if:

46           (1) The organization or agency needs identifying information of victims to  
47 offer such services; and

48           (2) The court or a law enforcement agency approves the organization or  
49 agency for the receipt of the identifying information.

50          5. The willful violation of any provision of this section or the willful neglect  
51 or refusal to obey any court order made pursuant thereto is punishable as criminal  
52 contempt.

1       **Sec. 5.** NRS 200.3772 is hereby amended to read as follows:

2       200.3772 1. A victim of a sexual offense, an offense involving a pupil *or*  
3 *child* or sex trafficking may choose a pseudonym to be used instead of the victim's  
4 name on all files, records and documents pertaining to the sexual offense, offense  
5 involving a pupil *or child* or sex trafficking, including, without limitation, criminal  
6 intelligence and investigative reports, court records and media releases.

7       2. A victim who chooses to use a pseudonym shall file a form to choose a  
8 pseudonym with the law enforcement agency investigating the sexual offense,  
9 offense involving a pupil *or child* or sex trafficking. The form must be provided by  
10 the law enforcement agency.

11       3. If the victim files a form to use a pseudonym, as soon as practicable the law  
12 enforcement agency shall make a good faith effort to:

13       (a) Substitute the pseudonym for the name of the victim on all reports, files and  
14 records in the agency's possession; and

15       (b) Notify the prosecuting attorney of the pseudonym.

16       ➤ The law enforcement agency shall maintain the form in a manner that protects  
17 the confidentiality of the information contained therein.

18       4. Upon notification that a victim has elected to be designated by a  
19 pseudonym, the court shall ensure that the victim is designated by the pseudonym  
20 in all legal proceedings concerning the sexual offense, offense involving a pupil *or*  
21 *child* or sex trafficking.

22       5. The information contained on the form to choose a pseudonym concerning  
23 the actual identity of the victim is confidential and must not be disclosed to any  
24 person other than the defendant or the defendant's attorney unless a court of  
25 competent jurisdiction orders the disclosure of the information. The disclosure of  
26 information to a defendant or the defendant's attorney is subject to the conditions  
27 and restrictions specified in subsection 2 of NRS 200.3771. A person who violates  
28 this subsection is guilty of a misdemeanor.

29       6. A court of competent jurisdiction may order the disclosure of the  
30 information contained on the form only if it finds that the information is essential in  
31 the trial of the defendant accused of the sexual offense, offense involving a pupil *or*  
32 *child* or sex trafficking, or the identity of the victim is at issue.

33       7. A law enforcement agency that complies with the requirements of this  
34 section is immune from civil liability for unknowingly or unintentionally:

35       (a) Disclosing any information contained on the form filed by a victim  
36 pursuant to this section that reveals the identity of the victim; or

37       (b) Failing to substitute the pseudonym of the victim for the name of the victim  
38 on all reports, files and records in the agency's possession.

39       **Sec. 6.** NRS 200.3773 is hereby amended to read as follows:

40       200.3773 1. A public officer or employee who has access to any records,  
41 files or other documents which include the photograph, likeness, name, address,  
42 telephone number or other fact or information that reveals the identity of a victim of  
43 a sexual offense, an offense involving a pupil *or child* or sex trafficking shall not  
44 intentionally or knowingly disclose the identifying information to any person other  
45 than:

46       (a) The defendant or the defendant's attorney;

47       (b) A person who is directly involved in the investigation, prosecution or  
48 defense of the case;

49       (c) A person specifically named in a court order issued pursuant to NRS  
50 200.3771; or

51       (d) A nonprofit organization or public agency approved to receive the  
52 information pursuant to NRS 200.3771.



1 2. A person who violates the provisions of subsection 1 is guilty of a  
2 misdemeanor.

3 **Sec. 7.** NRS 200.3774 is hereby amended to read as follows:

4 200.3774 The provisions of NRS 200.3771, 200.3772 and 200.3773 do not  
5 apply if the victim of the sexual offense, offense involving a pupil *or child* or sex  
6 trafficking voluntarily waives, in writing, the confidentiality of the information  
7 concerning the victim's identity.

8 **Sec. 8.** Chapter 201 of NRS is hereby amended by adding thereto a new  
9 section to read as follows:

10 *1. Except as otherwise provided in subsection 2, a person who:*

11 *(a) Is 25 years of age or older;*

12 *(b) Is in a position of authority as an employee or contractor of or volunteer*  
13 *for an entity which provides services to children; and*

14 *(c) Engages in sexual conduct with a person who is 16 years of age or older*  
15 *but less than 18 years of age and:*

16 *(1) Who is under the care, custody, control or supervision of the entity at*  
17 *which the person is employed or volunteering or of which the person is a*  
18 *contractor; and*

19 *(2) With whom the person has had contact in the course of performing*  
20 *his or her duties as an employee, contractor or volunteer,*

21 *is guilty of a category C felony and shall be punished as provided in NRS*  
22 *193.130.*

23 *2. The provisions of this section do not apply to a person who is an*  
24 *employee or contractor of or volunteer for an entity which provides services to*  
25 *children and who is married to the person under the care, custody, control or*  
26 *supervision of the entity at the time an act prohibited by this section is committed.*

27 *3. A person convicted pursuant to this section is not subject to the*  
28 *registration or community notification requirements of chapter 179D of NRS.*

29 *4. As used in this section:*

30 *(a) "Agency which provides child welfare services" has the meaning ascribed*  
31 *to it in NRS 432B.030.*

32 *(b) "Department of juvenile justice services" means:*

33 *(1) In a county whose population is less than 100,000, the probation*  
34 *department of the juvenile court established pursuant to NRS 62G.010 to*  
35 *62G.070, inclusive;*

36 *(2) In a county whose population is 100,000 or more but less than*  
37 *700,000, the department of juvenile services established pursuant to NRS*  
38 *62G.100 to 62G.170, inclusive; and*

39 *(3) In a county whose population is 700,000 or more, the department of*  
40 *juvenile justice services established by ordinance pursuant to NRS 62G.210 or, if*  
41 *a department of juvenile justice services has not been established by ordinance*  
42 *pursuant to NRS 62G.210, the department of juvenile justice services established*  
43 *pursuant to NRS 62G.300 to 62G.370, inclusive.*

44 *(c) "Entity which provides services to children" means:*

45 *(1) An agency which provides child welfare services;*

46 *(2) A department of juvenile justice services;*

47 *(3) A foster home; or*

48 *(4) The Youth Parole Bureau.*

49 *(d) "Foster home" has the meaning ascribed to it in NRS 424.014.*

50 *(e) "Youth Parole Bureau" has the meaning ascribed to it in NRS 62A.350.*

51 **Sec. 8.3.** NRS 201.540 is hereby amended to read as follows:

52 201.540 1. Except as otherwise provided in subsection 2, a person who:

53 (a) Is 21 years of age or older;

1 (b) Is or was employed by a public school or private school *in a position of*  
2 *authority* or is or was volunteering at a public or private school ~~H~~ *in a position of*  
3 *authority*; and

4 (c) Engages in sexual conduct with a pupil who is 16 years of age or older,  
5 who has not received a high school diploma, a general educational development  
6 certificate or an equivalent document and:

7 (1) Who is or was enrolled in or attending the public school or private  
8 school at which the person is or was employed or volunteering; or

9 (2) With whom the person has had contact in the course of performing his  
10 or her duties as an employee or volunteer,

11 ~~is~~ is guilty of a category C felony and shall be punished as provided in NRS  
12 193.130.

13 2. The provisions of this section do not apply to a person who is married to  
14 the pupil ~~H~~ *at the time an act prohibited by this section is committed.*

15 3. The provisions of this section must not be construed to apply to sexual  
16 conduct between two pupils.

17 **Sec. 8.7.** NRS 201.550 is hereby amended to read as follows:

18 201.550 1. Except as otherwise provided in subsection 3, a person who:

19 (a) Is 21 years of age or older;

20 (b) Is employed in a position of authority by a college or university; and

21 (c) Engages in sexual conduct with a student who is 16 years of age or older,  
22 who has not received a high school diploma, a general educational development  
23 certificate or an equivalent document and who is enrolled in or attending the  
24 college or university at which the person is employed,

25 ~~is~~ is guilty of a category C felony and shall be punished as provided in NRS  
26 193.130.

27 2. For the purposes of subsection 1, a person shall be deemed to be employed  
28 in a position of authority by a college or university if the person is employed as:

29 (a) A teacher, instructor or professor;

30 (b) An administrator; or

31 (c) A head or assistant coach.

32 3. The provisions of this section do not apply to a person who is married to  
33 the student ~~H~~ *at the time an act prohibited by this section is committed.*

34 4. The provisions of this section must not be construed to apply to sexual  
35 conduct between two students.

36 **Sec. 9.** (Deleted by amendment.)

37 **Sec. 10.** ~~NRS 176.01246 is hereby amended to read as follows:~~

38 ~~176.01246 1. There is hereby created the Subcommittee to Review~~  
39 ~~{Arrested} DNA of the Commission.~~

40 ~~2. The Chair of the Commission shall appoint the members of the~~  
41 ~~Subcommittee which must include, without limitation:~~

42 ~~(a) A member experienced in defending criminal actions.~~

43 ~~(b) A member of a minority community organization whose mission includes~~  
44 ~~the protection of civil rights for minorities.~~

45 ~~3. The Chair of the Commission shall designate one of the members of the~~  
46 ~~Subcommittee as Chair of the Subcommittee.~~

47 ~~4. The Subcommittee shall meet at the times and places specified by a call of~~  
48 ~~the Chair. A majority of the members of the Subcommittee constitutes a quorum,~~  
49 ~~and a quorum may exercise any power or authority conferred on the Subcommittee.~~

50 ~~5. The Subcommittee shall consider issues relating to DNA [of arrested~~  
51 ~~persons] and shall evaluate, review and submit a report to the Commission with~~  
52 ~~recommendations concerning such issues. The issues considered by the~~

1 ~~Subcommittee and the report submitted by the Subcommittee must include, without~~  
2 ~~limitation:~~

3 ~~— (a) The costs and procedures relating to the methods, implementation and~~  
4 ~~utilization of the provisions for the destruction of biological specimens and purging~~  
5 ~~of DNA profiles and DNA records of arrested persons; [and]~~

6 ~~— (b) The collection and review of information concerning the number of~~  
7 ~~requests for the destruction of biological specimens and purging of DNA profiles~~  
8 ~~and DNA records of arrested persons and the number and percentage of such~~  
9 ~~requests that are denied [ ]; and~~

10 ~~— (c) *The submittal, storage and testing of sexual assault forensic evidence kits,*~~  
11 ~~*including, without limitation, the review of any report required pursuant to*~~  
12 ~~*section 1.7 of this act.*~~

13 ~~— 6. Any Legislators who are members of the Subcommittee are entitled to~~  
14 ~~receive the salary provided for a majority of the members of the Legislature during~~  
15 ~~the first 60 days of the preceding session for each day's attendance at a meeting of~~  
16 ~~the Subcommittee.~~

17 ~~— 7. While engaged in the business of the Subcommittee, to the extent of~~  
18 ~~legislative appropriation, each member of the Subcommittee is entitled to receive~~  
19 ~~the per diem allowance and travel expenses as provided for state officers and~~  
20 ~~employees generally.~~

21 ~~— 8. As used in this section:~~

22 ~~— (a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.~~

23 ~~— (b) "DNA" has the meaning ascribed to it in NRS 176.09114.~~

24 ~~— (c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.~~

25 ~~— (d) "DNA record" has the meaning ascribed to it in NRS 176.09116.~~

26 ~~— (e) "Sexual assault forensic evidence kit" has the meaning ascribed to it in~~  
27 ~~**NRS 200.364.1** (Deleted by amendment.)~~

28 **Sec. 11.** (Deleted by amendment.)

29 **Sec. 12.** (Deleted by amendment.)

30 **Sec. 13.** (Deleted by amendment.)

31 **Sec. 14.** (Deleted by amendment.)

32 **Sec. 15.** (Deleted by amendment.)

33 **Sec. 16.** (Deleted by amendment.)

34 **Sec. 17.** (Deleted by amendment.)

35 **Sec. 18.** (Deleted by amendment.)

36 **Sec. 19.** (Deleted by amendment.)

37 **Sec. 20.** (Deleted by amendment.)

38 **Sec. 21.** (Deleted by amendment.)

39 **Sec. 21.5.** ~~[1. The amendatory provisions of section 1.7 of this act apply to~~  
40 ~~any sexual assault forensic evidence kit received by a forensic laboratory from a~~  
41 ~~law enforcement agency on or after July 1, 2017.~~

42 ~~— 2. Each forensic laboratory shall, on or before August 31, 2017, submit its~~  
43 ~~first report to the Subcommittee to Review DNA of the Advisory Commission on~~  
44 ~~the Administration of Justice.~~

45 ~~— 3. As used in this section:~~

46 ~~— (a) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.~~

47 ~~— (b) "Sexual assault forensic evidence kit" has the meaning ascribed to it in~~  
48 ~~**NRS 200.364** as amended by section 2 of this act.] (Deleted by amendment.)~~

49 **Sec. 22.** (Deleted by amendment.)

50 **Sec. 22.5.** ~~[The provisions of subsection 1 of NRS 218D.380 do not apply to~~  
51 ~~any provision of this act which adds or revises a requirement to submit a report to~~  
52 ~~the legislature.] (Deleted by amendment.)~~

1       **Sec. 23.** ~~[[The provisions of NRS 254.599 do not apply to any additional~~  
2 ~~expenses of a local government that are related to the provisions of this act.]~~  
3 **(Deleted by amendment.)**

4       **Sec. 24.** 1. This section and sections 1.7 and 21 to 23, inclusive, of this act  
5 become effective on July 1, 2017.

6       2. Sections 2 to 9, inclusive, and 11 to 20, inclusive, of this act become  
7 effective on October 1, 2017.

8       3. Sections 1.3 and 10 of this act become effective on January 1, 2020.