

ASSEMBLY BILL NO. 243—ASSEMBLYMEN ELLISON; AND TITUS

MARCH 11, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to victims of crime.
(BDR 15-653)

FISCAL NOTE: Effect on Local Government: No.
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 victims of crime; increasing the minimum term of imprisonment to be served by certain persons who commit incest if the victim is less than 18 years of age; establishing provisions relating to certain notification given to the victim of a prisoner who has requested to receive notification that the prisoner is being considered for parole; requiring the State Board of Parole Commissioners to send an annual request for updated contact information to any such victim in certain circumstances; imposing certain residential requirements upon certain sex offenders under a program of lifetime supervision and certain parolees convicted of a sexual offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any person who commits incest shall be punished for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole, and may be further punished by a fine of not more than \$10,000. (NRS 201.180) **Section 1** of this bill increases the minimum term of imprisonment to 10 years if a person who is 18 years of age or older commits incest with a victim who is less than 18 years of age at the time of the offense.

Existing law generally requires the State Board of Parole Commissioners (hereinafter "Board"), after fixing a date for a meeting to consider a prisoner for parole, to notify the victim of the prisoner of the date of the meeting if the victim has requested notification in writing and has provided his or her current address or the victim's address is otherwise known to the Board. (NRS 213.131) **Section 10** of this bill requires the Board to make additional attempts to contact the victim if the



14 victim does not respond within 21 days after the notification is sent or the
15 notification is returned as undeliverable.

16 Existing law authorizes the Director of the Department of Corrections
17 (hereinafter "Director") to: (1) upon the request of an offender who meets certain
18 criteria, assign the offender to the custody of the Division of Parole and Probation
19 of the Department of Public Safety (hereinafter "Division") to serve a term of
20 residential confinement; and (2) assign certain offenders who are physically
21 incapacitated or in ill health to the custody of the Division to serve a term of
22 residential confinement or other appropriate supervision. If the Director receives a
23 request from an eligible offender or intends to assign an offender to the custody of
24 the Division, the Director is required to notify the Division, and the Division is
25 generally required to notify any victim of a crime committed by the offender who
26 has requested to be notified of the consideration of a prisoner for parole and has
27 provided a current address. (NRS 209.392, 209.3925) **Sections 2 and 3** of this bill
28 require the Division to make additional attempts to contact the victim if the victim
29 does not respond within 21 days after the notification is sent or the notification is
30 returned as undeliverable.

31 **Section 4** of this bill generally requires the Board, on an annual basis, to: (1)
32 send a request for updated contact information to the current mailing address and
33 electronic mail address of certain victims; and (2) contact such a victim at the
34 telephone number provided to the Board to inform the victim of the request for
35 updated contact information. **Section 4** further provides that such a request for
36 updated contact information must provide the victim with the opportunity to
37 include the contact information of any of his or her extended family members for
38 the purpose of enabling the Board or the Division to contact any such family
39 members if the victim cannot be reached when the Board sends notice that a
40 prisoner is being considered for parole or the Division sends notice that a prisoner
41 might serve a term of residential confinement or other appropriate supervision.
42 **Section 6** of this bill provides that the Board is not required to comply with the
43 requirements set forth in **section 4** if the Board enters into an agreement with the
44 manager of an automated victim notification system to provide notice to a victim
45 that a prisoner is being considered for parole or might serve a term of residential
46 confinement or other appropriate supervision.

47 Existing law requires the Board to: (1) establish by regulation a program of
48 lifetime supervision of sex offenders; and (2) impose certain conditions of parole if
49 a prisoner released on parole was convicted of a sexual offense. (NRS 213.1243,
50 213.1245) **Sections 7 and 8** of this bill provide that if a person is a Tier III
51 offender, the Board shall require as a condition of such lifetime supervision or
52 parole that the person reside at a location only if the residence is not located within
53 100 miles of the residence of the victim of the offense for which the person was
54 convicted.

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

1 **Section 1.** NRS 201.180 is hereby amended to read as follows:

2 201.180 ~~Persons~~

3 **1. Except as otherwise provided in subsection 2, persons**
4 being within the degree of consanguinity within which marriages are
5 declared by law to be incestuous and void who intermarry with each
6 other or who commit fornication or adultery with each other shall be
7 punished for a category A felony by imprisonment in the state



1 prison for a minimum term of not less than 2 years and a maximum
2 term of life with the possibility of parole, and may be further
3 punished by a fine of not more than \$10,000.

4 *2. If a person who is 18 years of age or older violates*
5 *subsection 1 by committing an act with another person who is less*
6 *than 18 years of age at the time of the offense, the person shall be*
7 *punished for a category A felony by imprisonment in the state*
8 *prison for a minimum term of not less than 10 years and a*
9 *maximum term of life with the possibility of parole, and may be*
10 *further punished by a fine of not more than \$10,000.*

11 **Sec. 2.** NRS 209.392 is hereby amended to read as follows:

12 209.392 1. Except as otherwise provided in NRS 209.3925
13 and 209.429, the Director may, at the request of an offender who is
14 eligible for residential confinement pursuant to the standards
15 adopted by the Director pursuant to subsection 3 and who has:

16 (a) Demonstrated a willingness and ability to establish a position
17 of employment in the community;

18 (b) Demonstrated a willingness and ability to enroll in a
19 program for education or rehabilitation; or

20 (c) Demonstrated an ability to pay for all or part of the costs of
21 the offender's confinement and to meet any existing obligation for
22 restitution to any victim of his or her crime,

23 ➔ assign the offender to the custody of the Division of Parole and
24 Probation of the Department of Public Safety to serve a term of
25 residential confinement, pursuant to NRS 213.380, for not longer
26 than the remainder of his or her sentence.

27 2. Upon receiving a request to serve a term of residential
28 confinement from an eligible offender, the Director shall notify the
29 Division of Parole and Probation. Except as otherwise provided in
30 NRS 213.10915, if any victim of a crime committed by the offender
31 has, pursuant to subsection 4 of NRS 213.131, requested to be
32 notified of the consideration of a prisoner for parole and has
33 provided a current address **H** *or the victim's current address is*
34 *otherwise known by the Division of Parole and Probation*, the
35 Division of Parole and Probation shall notify the victim of the
36 offender's request and advise the victim that the victim may submit
37 documents regarding the request to the Division of Parole and
38 Probation. *If the victim does not respond within 21 days after the*
39 *notification is sent, or if the notification is returned as*
40 *undeliverable, the Division of Parole and Probation shall attempt*
41 *to contact the victim at each electronic mailing address and*
42 *telephone number that the victim has provided or that is otherwise*
43 *known by the Division of Parole and Probation and, if the victim*
44 *has provided the contact information of any extended family*
45 *members pursuant to section 4 of this act, the Division of Parole*



1 *and Probation shall attempt to contact any such family members.*

2 If ~~[a]~~ the current ~~[address]~~ *contact information of the victim or his*
3 *or her extended family members* has not been provided ~~[as required~~
4 ~~by subsection 4 of]~~ *pursuant to NRS 213.131 [] or section 4 of this*
5 *act, as applicable, or is not otherwise known by the Division of*
6 *Parole and Probation,* the Division of Parole and Probation must
7 not be held responsible if such notification is not received by the
8 victim. All personal information, including, but not limited to, a
9 current or former address, which pertains to a victim and which is
10 received by the Division of Parole and Probation pursuant to this
11 subsection is confidential.

12 3. The Director, after consulting with the Division of Parole
13 and Probation, shall adopt, by regulation, standards providing which
14 offenders are eligible for residential confinement. The standards
15 adopted by the Director must provide that an offender who:

16 (a) Has recently committed a serious infraction of the rules of an
17 institution or facility of the Department;

18 (b) Has not performed the duties assigned to the offender in a
19 faithful and orderly manner;

20 (c) Has been convicted of:

21 (1) Any crime that is punishable as a felony involving the use
22 or threatened use of force or violence against the victim within the
23 immediately preceding 3 years;

24 (2) A sexual offense that is punishable as a felony; or

25 (3) Except as otherwise provided in subsection 4, a category
26 A or B felony;

27 (d) Has more than one prior conviction for any felony in this
28 State or any offense in another state that would be a felony if
29 committed in this State, not including a violation of NRS 484C.110,
30 484C.120, 484C.130, 484C.430, 488.420, 488.425 or 488.427; or

31 (e) Has escaped or attempted to escape from any jail or
32 correctional institution for adults,

33 ↪ is not eligible for assignment to the custody of the Division of
34 Parole and Probation to serve a term of residential confinement
35 pursuant to this section.

36 4. The standards adopted by the Director pursuant to
37 subsection 3 must provide that an offender who has been convicted
38 of a category B felony is eligible for assignment to the custody of
39 the Division of Parole and Probation to serve a term of residential
40 confinement pursuant to this section if:

41 (a) The offender is not otherwise ineligible pursuant to
42 subsection 3 for an assignment to serve a term of residential
43 confinement; and



1 (b) The Director makes a written finding that such an
2 assignment of the offender is not likely to pose a threat to the safety
3 of the public.

4 5. If an offender assigned to the custody of the Division of
5 Parole and Probation pursuant to this section escapes or violates any
6 of the terms or conditions of the offender's residential confinement:

7 (a) The Division of Parole and Probation may, pursuant to the
8 procedure set forth in NRS 213.410, return the offender to the
9 custody of the Department.

10 (b) The offender forfeits all or part of the credits for good
11 behavior earned by the offender before the escape or violation, as
12 determined by the Director. The Director may provide for a
13 forfeiture of credits pursuant to this paragraph only after proof of the
14 offense and notice to the offender and may restore credits forfeited
15 for such reasons as the Director considers proper. The decision of
16 the Director regarding such a forfeiture is final.

17 6. The assignment of an offender to the custody of the Division
18 of Parole and Probation pursuant to this section shall be deemed:

19 (a) A continuation of the offender's imprisonment and not a
20 release on parole; and

21 (b) For the purposes of NRS 209.341, an assignment to a facility
22 of the Department,

23 ➤ except that the offender is not entitled to obtain any benefits or to
24 participate in any programs provided to offenders in the custody of
25 the Department.

26 7. An offender does not have a right to be assigned to the
27 custody of the Division of Parole and Probation pursuant to this
28 section, or to remain in that custody after such an assignment, and it
29 is not intended that the provisions of this section or of NRS 213.371
30 to 213.410, inclusive, create any right or interest in liberty or
31 property or establish a basis for any cause of action against the
32 State, its political subdivisions, agencies, boards, commissions,
33 departments, officers or employees.

34 8. The Division of Parole and Probation may receive and
35 distribute restitution paid by an offender assigned to the custody of
36 the Division of Parole and Probation pursuant to this section.

37 **Sec. 3.** NRS 209.3925 is hereby amended to read as follows:

38 209.3925 1. Except as otherwise provided in subsection 6,
39 the Director may assign an offender to the custody of the Division
40 of Parole and Probation of the Department of Public Safety to serve
41 a term of residential confinement pursuant to NRS 213.380 or other
42 appropriate supervision as determined by the Division of Parole and
43 Probation, for not longer than the remainder of his or her sentence,
44 if:

45 (a) The Director has reason to believe that the offender is:



1 (1) Physically incapacitated or in ill health to such a degree
2 that the offender does not presently, and likely will not in the future,
3 pose a threat to the safety of the public; or

4 (2) In ill health and expected to die within 12 months, and
5 does not presently, and likely will not in the future, pose a threat to
6 the safety of the public; and

7 (b) At least two physicians licensed pursuant to chapter 630 or
8 633 of NRS, one of whom is not employed by the Department,
9 verify, in writing, that the offender is:

10 (1) Physically incapacitated or in ill health; or

11 (2) In ill health and expected to die within 12 months.

12 2. If the Director intends to assign an offender to the custody of
13 the Division of Parole and Probation pursuant to this section, at least
14 45 days before the date the offender is expected to be released from
15 the custody of the Department, the Director shall notify:

16 (a) The board of county commissioners of the county in which
17 the offender will reside; and

18 (b) The Division of Parole and Probation.

19 3. Except as otherwise provided in NRS 213.10915, if any
20 victim of a crime committed by the offender has, pursuant to
21 subsection 4 of NRS 213.131, requested to be notified of the
22 consideration of a prisoner for parole and has provided a current
23 address ~~[]~~ *or the victim's current address is otherwise known by*
24 *the Division of Parole and Probation*, the Division of Parole and
25 Probation shall notify the victim that ~~[]~~:

26 ~~—(a) The~~ *the* Director intends to assign the offender to the
27 custody of the Division of Parole and Probation pursuant to this
28 section ~~[]~~ and

29 ~~[(b) The]~~ *the* victim may submit documents to the Division of
30 Parole and Probation regarding such an assignment.

31 ~~[]~~ *If the victim does not respond within 21 days after the*
32 *notification is sent, or if the notification is returned as*
33 *undeliverable, the Division of Parole and Probation shall attempt*
34 *to contact the victim at each electronic mailing address and*
35 *telephone number that the victim has provided or that is otherwise*
36 *known by the Division of Parole and Probation and, if the victim*
37 *has provided the contact information of any extended family*
38 *members pursuant to section 4 of this act, the Division of Parole*
39 *and Probation shall attempt to contact any such family members.*

40 If ~~[a]~~ *the* current ~~[address]~~ *contact information of the victim or his*
41 *or her extended family members* has not been provided ~~[by a victim~~
42 ~~as required by subsection 4 of]~~ *pursuant to* NRS 213.131 ~~[]~~ *or*
43 *section 4 of this act, as applicable, or is not otherwise known by*
44 *the Division of Parole and Probation*, the Division of Parole and
45 Probation must not be held responsible if notification is not received



1 by the victim. All personal information, including, but not limited
2 to, a current or former address, which pertains to a victim and which
3 is received by the Division of Parole and Probation pursuant to this
4 subsection is confidential.

5 4. If an offender assigned to the custody of the Division of
6 Parole and Probation pursuant to this section escapes or violates any
7 of the terms or conditions of his or her residential confinement or
8 other appropriate supervision as determined by the Division of
9 Parole and Probation:

10 (a) The Division of Parole and Probation may, pursuant to the
11 procedure set forth in NRS 213.410, return the offender to the
12 custody of the Department.

13 (b) The offender forfeits all or part of the credits for good
14 behavior earned by the offender before the escape or violation, as
15 determined by the Director. The Director may provide for a
16 forfeiture of credits pursuant to this paragraph only after proof of the
17 offense and notice to the offender and may restore credits forfeited
18 for such reasons as the Director considers proper. The decision of
19 the Director regarding such a forfeiture is final.

20 5. The assignment of an offender to the custody of the Division
21 of Parole and Probation pursuant to this section shall be deemed:

22 (a) A continuation of the offender's imprisonment and not a
23 release on parole; and

24 (b) For the purposes of NRS 209.341, an assignment to a facility
25 of the Department,

26 ↪ except that the offender is not entitled to obtain any benefits or to
27 participate in any programs provided to offenders in the custody of
28 the Department.

29 6. The Director may not assign an offender to the custody of
30 the Division of Parole and Probation pursuant to this section if the
31 offender is sentenced to death or imprisonment for life without the
32 possibility of parole.

33 7. An offender does not have a right to be assigned to the
34 custody of the Division of Parole and Probation pursuant to this
35 section, or to remain in that custody after such an assignment, and it
36 is not intended that the provisions of this section or of NRS 213.371
37 to 213.410, inclusive, create any right or interest in liberty or
38 property or establish a basis for any cause of action against the
39 State, its political subdivisions, agencies, boards, commissions,
40 departments, officers or employees.

41 8. The Division of Parole and Probation may receive and
42 distribute restitution paid by an offender assigned to the custody of
43 the Division of Parole and Probation pursuant to this section.



1 **Sec. 4.** Chapter 213 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in NRS 213.10915, in*
4 *addition to the notice requirements set forth in subsection 4 of*
5 *NRS 213.131, if a victim of a prisoner who was convicted of a*
6 *category A felony or who is a Tier III offender has requested to be*
7 *notified when the prisoner is considered for parole and the victim*
8 *has provided his or her current contact information to the Board,*
9 *or the Board otherwise knows the victim's current contact*
10 *information, the Board shall, not later than January 31 of each*
11 *year:*

12 (a) *Send a request for updated contact information to the*
13 *current mailing address and electronic mailing address of the*
14 *victim; and*

15 (b) *Contact the victim at the telephone number provided to the*
16 *Board to inform the victim of the request for updated contact*
17 *information.*

18 2. *A request for updated contact information pursuant to*
19 *subsection 1 must provide the victim with the opportunity to*
20 *include the contact information of any of the victim's extended*
21 *family members for the purpose of enabling the Board or the*
22 *Division, as applicable, to contact any such family members in the*
23 *event the victim cannot be reached when:*

24 (a) *The Board sends notice pursuant to NRS 213.131 that the*
25 *prisoner is being considered for parole; or*

26 (b) *The Division sends notice pursuant to:*

27 (1) *NRS 209.392 that the prisoner has requested to serve a*
28 *term of residential confinement; or*

29 (2) *NRS 209.3925 that the Director of the Department of*
30 *Corrections intends to assign the prisoner to the Division to serve*
31 *a term of residential confinement or other appropriate*
32 *supervision.*

33 **Sec. 5.** NRS 213.107 is hereby amended to read as follows:

34 213.107 As used in NRS 213.107 to 213.157, inclusive, *and*
35 *section 4 of this act*, unless the context otherwise requires:

36 1. "Board" means the State Board of Parole Commissioners.

37 2. "Chief" means the Chief Parole and Probation Officer.

38 3. "Division" means the Division of Parole and Probation of
39 the Department of Public Safety.

40 4. "Residential confinement" means the confinement of a
41 person convicted of a crime to his or her place of residence under
42 the terms and conditions established by the Board.

43 5. "Sex offender" means any person who has been or is
44 convicted of a sexual offense.

45 6. "Sexual offense" means:



1 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,
2 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS
3 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or
4 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of
5 NRS 201.560;

6 (b) An attempt to commit any offense listed in paragraph (a); or

7 (c) An act of murder in the first or second degree, kidnapping in
8 the first or second degree, false imprisonment, burglary or invasion
9 of the home if the act is determined to be sexually motivated at a
10 hearing conducted pursuant to NRS 175.547.

11 7. "Standards" means the objective standards for granting or
12 revoking parole or probation which are adopted by the Board or the
13 Chief.

14 8. *"Tier III offender" has the meaning ascribed to it in*
15 *NRS 179D.117.*

16 **Sec. 6.** NRS 213.10915 is hereby amended to read as follows:

17 213.10915 1. The Board, in consultation with the Division,
18 may enter into an agreement with the manager of an automated
19 victim notification system to notify victims of the information
20 described in NRS 209.392 and 209.3925 and subsections 4 and 7 of
21 NRS 213.131 through the system if the system is capable of:

22 (a) Automatically notifying by telephone or electronic means a
23 victim registered with the system of the information described in
24 NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS
25 213.131 with the timeliness required by NRS 209.392 and 209.3925
26 and subsections 4 and 7 of NRS 213.131; and

27 (b) Notifying victims registered with the system, using language
28 provided by the Board, if the Board decides that it will discontinue
29 the use of the system to notify victims of the information described
30 in NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS
31 213.131. The notice must:

32 (1) Be provided to each victim registered with the system not
33 less than 90 days before the date on which the Board will
34 discontinue use of the system; and

35 (2) Advise each victim to submit a written request for
36 notification pursuant to subsection 4 of NRS 213.131 if the victim
37 wishes to receive notice of the information described in NRS
38 209.392 and 209.3925 and subsections 4 and 7 of NRS 213.131.

39 2. The Division is not required to notify the victim of an
40 offender of the information described in NRS 209.392 and 209.3925
41 and the Board is not required to notify the victim of a prisoner of the
42 information described in subsections 4 and 7 of NRS 213.131 *or*
43 *comply with the provisions of section 4 of this act* if:

44 (a) The Board has entered into an agreement pursuant to
45 subsection 1; and



1 (b) Before discontinuing the notification of victims pursuant to
2 NRS 209.392 and 209.3925 and subsections 4 and 7 of NRS
3 213.131, the Board, not less than two times and not less than 60
4 days apart, has notified each victim who has requested notification
5 pursuant to subsection 4 of NRS 213.131 and who has provided his
6 or her current address or whose current address is otherwise known
7 by the Board of the change in the manner in which a victim is
8 notified of the information described in NRS 209.392 and 209.3925
9 and subsections 4 and 7 of NRS 213.131. The notice must:

10 (1) Advise the victim that the Division will no longer notify
11 the victim of the information described in NRS 209.392 and
12 209.3925, that the Board will no longer notify the victim of the
13 information described in subsections 4 and 7 of NRS 213.131, and
14 that the victim may register with the automated victim notification
15 system if he or she wishes to be notified of the information
16 described in NRS 209.392 and 209.3925 and subsections 4 and 7 of
17 NRS 213.131; and

18 (2) Include instructions for registering with the automated
19 victim notification system to receive notice of the information
20 described in NRS 209.392 and 209.3925 and subsections 4 and 7 of
21 NRS 213.131.

22 3. For the purposes of this section, "victim" has the meaning
23 ascribed to it in NRS 213.005.

24 **Sec. 7.** NRS 213.1243 is hereby amended to read as follows:

25 213.1243 1. The Board shall establish by regulation a
26 program of lifetime supervision of sex offenders to commence after
27 any period of probation or any term of imprisonment and any period
28 of release on parole. The program must provide for the lifetime
29 supervision of sex offenders by parole and probation officers.

30 2. Lifetime supervision shall be deemed a form of parole for:

31 (a) The limited purposes of the applicability of the provisions of
32 NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and
33 subsection 2 of NRS 213.110; and

34 (b) The purposes of the Interstate Compact for Adult Offender
35 Supervision ratified, enacted and entered into by the State of Nevada
36 pursuant to NRS 213.215.

37 3. Except as otherwise provided in subsection 9, the Board
38 shall require as a condition of lifetime supervision that the sex
39 offender reside at a location only if:

40 (a) The residence has been approved by the parole and probation
41 officer assigned to the person.

42 (b) *If the sex offender is a Tier III offender, the residence is*
43 *not located within 100 miles of the residence of the victim of the*
44 *offense for which the sex offender was convicted.*



1 (c) If the residence is a facility that houses more than three
2 persons who have been released from prison, the facility is a facility
3 for transitional living for released offenders that is licensed pursuant
4 to chapter 449 of NRS.

5 ~~{(e)}~~ (d) The ~~{person}~~ *sex offender* keeps the parole and
6 probation officer informed of his or her current address.

7 4. Except as otherwise provided in subsection 9, the Board
8 shall require as a condition of lifetime supervision that the sex
9 offender, unless approved by the parole and probation officer
10 assigned to the sex offender and by a psychiatrist, psychologist or
11 counselor treating the sex offender, if any, not knowingly be within
12 500 feet of any place, or if the place is a structure, within 500 feet of
13 the actual structure, that is designed primarily for use by or for
14 children, including, without limitation, a public or private school, a
15 school bus stop, a center or facility that provides day care services, a
16 video arcade, an amusement park, a playground, a park, an athletic
17 field or a facility for youth sports, or a motion picture theater. The
18 provisions of this subsection apply only to a sex offender who is a
19 Tier ~~{3}~~ *III* offender.

20 5. Except as otherwise provided in subsection 9, if a sex
21 offender is convicted of a sexual offense listed in subsection 6 of
22 NRS 213.1255 against a child under the age of 14 years, the sex
23 offender is a Tier ~~{3}~~ *III* offender and the sex offender is sentenced
24 to lifetime supervision, the Board shall require as a condition of
25 lifetime supervision that the sex offender:

26 (a) Reside at a location only if the residence is not located
27 within 1,000 feet of any place, or if the place is a structure, within
28 1,000 feet of the actual structure, that is designed primarily for use
29 by or for children, including, without limitation, a public or private
30 school, a school bus stop, a center or facility that provides day care
31 services, a video arcade, an amusement park, a playground, a park,
32 an athletic field or a facility for youth sports, or a motion picture
33 theater.

34 (b) As deemed appropriate by the Chief, be placed under a
35 system of active electronic monitoring that is capable of identifying
36 his or her location and producing, upon request, reports or records
37 of his or her presence near or within a crime scene or prohibited area
38 or his or her departure from a specified geographic location.

39 (c) Pay any costs associated with his or her participation under
40 the system of active electronic monitoring, to the extent of his or her
41 ability to pay.

42 6. A sex offender placed under the system of active electronic
43 monitoring pursuant to subsection 5 shall:

44 (a) Follow the instructions provided by the Division to maintain
45 the electronic monitoring device in working order.



1 (b) Report any incidental damage or defacement of the
2 electronic monitoring device to the Division within 2 hours after the
3 occurrence of the damage or defacement.

4 (c) Abide by any other conditions set forth by the Division with
5 regard to his or her participation under the system of active
6 electronic monitoring.

7 7. Except as otherwise provided in this subsection, a person
8 who intentionally removes or disables or attempts to remove or
9 disable an electronic monitoring device placed on a sex offender
10 pursuant to this section is guilty of a gross misdemeanor. The
11 provisions of this subsection do not prohibit a person authorized by
12 the Division from performing maintenance or repairs to an
13 electronic monitoring device.

14 8. Except as otherwise provided in subsection 7, a sex offender
15 who commits a violation of a condition imposed on him or her
16 pursuant to the program of lifetime supervision is guilty of a
17 category B felony and shall be punished by imprisonment in the
18 state prison for a minimum term of not less than 1 year and a
19 maximum term of not more than 6 years, and may be further
20 punished by a fine of not more than \$5,000.

21 9. The Board is not required to impose a condition pursuant to
22 the program of lifetime supervision listed in subsections 3, 4 and 5
23 if the Board finds that extraordinary circumstances are present and
24 the Board states those extraordinary circumstances in writing.

25 10. The Board shall require as a condition of lifetime
26 supervision that the sex offender not have contact or communicate
27 with a victim of the sexual offense or a witness who testified against
28 the sex offender or solicit another person to engage in such contact
29 or communication on behalf of the sex offender, unless approved by
30 the Chief or his or her designee and a written agreement is entered
31 into and signed.

32 11. If a court issues a warrant for arrest for a violation of this
33 section, the court shall cause to be transmitted, in the manner
34 prescribed by the Central Repository for Nevada Records of
35 Criminal History, notice of the issuance of the warrant for arrest in a
36 manner which ensures that such notice is received by the Central
37 Repository within 3 business days.

38 12. For the purposes of prosecution of a violation by a sex
39 offender of a condition imposed upon him or her pursuant to the
40 program of lifetime supervision, the violation shall be deemed to
41 have occurred in, and may only be prosecuted in, the county in
42 which the court that imposed the sentence of lifetime supervision
43 pursuant to NRS 176.0931 is located, regardless of whether the acts
44 or conduct constituting the violation took place, in whole or in part,
45 within or outside that county or within or outside this State.



1 **Sec. 8.** 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.097, 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:

7 (1) The residence has been approved by the parole and
8 probation officer assigned to the parolee.

9 (2) *If the parolee is a Tier III offender, the residence is not*
10 *located within 100 miles of the residence of the victim of the*
11 *offense for which the parolee was convicted.*

12 (3) If the residence is a facility that houses more than three
13 persons who have been released from prison, the facility is a facility
14 for transitional living for released offenders that is licensed pursuant
15 to chapter 449 of NRS.

16 ~~(3)~~ (4) The parolee keeps the parole and probation officer
17 informed of his or her current address.

18 (b) Accept a position of employment or a position as a volunteer
19 only if it has been approved by the parole and probation officer
20 assigned to the parolee and keep the parole and probation officer
21 informed of the location of his or her position of employment or
22 position as a volunteer.

23 (c) Abide by any curfew imposed by the parole and probation
24 officer assigned to the parolee.

25 (d) Participate in and complete a program of professional
26 counseling approved by the Division.

27 (e) Submit to periodic tests, as requested by the parole and
28 probation officer assigned to the parolee, to determine whether the
29 parolee is using a controlled substance.

30 (f) Submit to periodic polygraph examinations, as requested by
31 the parole and probation officer assigned to the parolee.

32 (g) Abstain from consuming, possessing or having under his or
33 her control any alcohol.

34 (h) Not have contact or communicate with a victim of the
35 offense or a witness who testified against the parolee or solicit
36 another person to engage in such contact or communication on
37 behalf of the parolee, unless approved by the Chief or his or her
38 designee and a written agreement is entered into and signed in the
39 manner set forth in subsection 2.

40 (i) Not use aliases or fictitious names.

41 (j) Not obtain a post office box unless the parolee receives
42 permission from the parole and probation officer assigned to the
43 parolee.

44 (k) Not have contact with a person less than 18 years of age in a
45 secluded environment unless another adult who has never been



1 convicted of an offense listed in NRS 179D.097 is present and
2 permission has been obtained from the parole and probation officer
3 assigned to the parolee in advance of each such contact.

4 (l) Unless approved by the parole and probation officer assigned
5 to the parolee and by a psychiatrist, psychologist or counselor
6 treating the parolee, if any, not knowingly be within 500 feet of any
7 place, or if the place is a structure, within 500 feet of the actual
8 structure, that is designed primarily for use by or for children,
9 including, without limitation, a public or private school, a school
10 bus stop, a center or facility that provides day care services, a video
11 arcade, an amusement park, a playground, a park, an athletic field or
12 a facility for youth sports, or a motion picture theater. The
13 provisions of this paragraph apply only to a parolee who is a Tier ~~3~~
14 **III** offender.

15 (m) Comply with any protocol concerning the use of
16 prescription medication prescribed by a treating physician,
17 including, without limitation, any protocol concerning the use of
18 psychotropic medication.

19 (n) Not possess any sexually explicit material that is deemed
20 inappropriate by the parole and probation officer assigned to the
21 parolee.

22 (o) Not patronize a business which offers a sexually related form
23 of entertainment and which is deemed inappropriate by the parole
24 and probation officer assigned to the parolee.

25 (p) Not possess any electronic device capable of accessing the
26 Internet and not access the Internet through any such device or any
27 other means, unless possession of such a device or such access is
28 approved by the parole and probation officer assigned to the parolee.

29 (q) Inform the parole and probation officer assigned to the
30 parolee if the parolee expects to be or becomes enrolled as a student
31 at an institution of higher education or changes the date of
32 commencement or termination of his or her enrollment at an
33 institution of higher education. As used in this paragraph,
34 "institution of higher education" has the meaning ascribed to it in
35 NRS 179D.045.

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

41 (a) The victim or the witness;

42 (b) The parolee;

43 (c) The parole and probation officer assigned to the parolee;

44 (d) The psychiatrist, psychologist or counselor treating the
45 parolee, victim or witness, if any;



1 (e) If the victim or witness is a child under 18 years of age, each
2 parent, guardian or custodian of the child; and

3 (f) The Chief or his or her designee.

4 3. The Board is not required to impose a condition of parole
5 listed in subsection 1 if the Board finds that extraordinary
6 circumstances are present and the Board states those extraordinary
7 circumstances in writing.

8 **Sec. 9.** NRS 213.1255 is hereby amended to read as follows:

9 213.1255 1. Except as otherwise provided in subsection 4, in
10 addition to any conditions of parole required to be imposed pursuant
11 to NRS 213.1245, as a condition of releasing on parole a prisoner
12 who was convicted of committing an offense listed in subsection 6
13 against a child under the age of 14 years and who is a Tier ~~I~~ III
14 offender, the Board shall require that the parolee:

15 (a) Reside at a location only if the residence is not located
16 within 1,000 feet of any place, or if the place is a structure, within
17 1,000 feet of the actual structure, that is designed primarily for use
18 by or for children, including, without limitation, a public or private
19 school, a school bus stop, a center or facility that provides day care
20 services, a video arcade, an amusement park, a playground, a park,
21 an athletic field or a facility for youth sports, or a motion picture
22 theater.

23 (b) As deemed appropriate by the Chief, be placed under a
24 system of active electronic monitoring that is capable of identifying
25 his or her location and producing, upon request, reports or records
26 of his or her presence near or within a crime scene or prohibited area
27 or his or her departure from a specified geographic location.

28 (c) Pay any costs associated with his or her participation under
29 the system of active electronic monitoring, to the extent of his or her
30 ability to pay.

31 2. A parolee placed under the system of active electronic
32 monitoring pursuant to subsection 1 shall:

33 (a) Follow the instructions provided by the Division to maintain
34 the electronic monitoring device in working order.

35 (b) Report any incidental damage or defacement of the
36 electronic monitoring device to the Division within 2 hours after the
37 occurrence of the damage or defacement.

38 (c) Abide by any other conditions set forth by the Division with
39 regard to his or her participation under the system of active
40 electronic monitoring.

41 3. Except as otherwise provided in this subsection, a person
42 who intentionally removes or disables or attempts to remove or
43 disable an electronic monitoring device placed on a parolee pursuant
44 to this section is guilty of a gross misdemeanor. The provisions of
45 this subsection do not prohibit a person authorized by the Division



1 from performing maintenance or repairs to an electronic monitoring
2 device.

3 4. The Board is not required to impose a condition of parole
4 listed in subsection 1 if the Board finds that extraordinary
5 circumstances are present and the Board states those extraordinary
6 circumstances in writing.

7 5. In addition to any conditions of parole required to be
8 imposed pursuant to subsection 1 and NRS 213.1245, as a condition
9 of releasing on parole a prisoner who was convicted of committing
10 an offense listed in subsection 6 against a child under the age of 14
11 years, the Board shall, when appropriate:

12 (a) Require the parolee to participate in psychological
13 counseling.

14 (b) Prohibit the parolee from being alone with a child unless
15 another adult who has never been convicted of a sexual offense is
16 present.

17 6. The provisions of subsections 1 and 5 apply to a prisoner
18 who was convicted of:

19 (a) Sexual assault pursuant to paragraph (c) of subsection 3 of
20 NRS 200.366;

21 (b) Abuse or neglect of a child pursuant to subparagraph (1) of
22 paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a)
23 of subsection 2 of NRS 200.508;

24 (c) An offense punishable pursuant to subsection 2 of
25 NRS 200.750;

26 (d) Lewdness with a child pursuant to NRS 201.230;

27 (e) Luring a child or a person with mental illness pursuant to
28 NRS 201.560, if punished as a felony; or

29 (f) Any combination of the crimes listed in this subsection.

30 **Sec. 10.** NRS 213.131 is hereby amended to read as follows:
31 213.131 1. The Department of Corrections shall:

32 (a) Determine when a prisoner sentenced to imprisonment in the
33 state prison is eligible to be considered for parole;

34 (b) Notify the Board of the eligibility of the prisoner to be
35 considered for parole; and

36 (c) Before a meeting to consider the prisoner for parole, compile
37 and provide to the Board data that will assist the Board in
38 determining whether parole should be granted.

39 2. If a prisoner is being considered for parole from a sentence
40 imposed for conviction of a crime which involved the use of force
41 or violence against a victim and which resulted in bodily harm to a
42 victim and if original or duplicate photographs that depict the
43 injuries of the victim or the scene of the crime were admitted at the
44 trial of the prisoner or were part of the report of the presentence
45 investigation and are reasonably available, a representative sample



1 of such photographs must be included with the information
2 submitted to the Board at the meeting. A prisoner may not bring a
3 cause of action against the State of Nevada, its political
4 subdivisions, agencies, boards, commissions, departments, officers
5 or employees for any action that is taken pursuant to this subsection
6 or for failing to take any action pursuant to this subsection,
7 including, without limitation, failing to include photographs or
8 including only certain photographs. As used in this subsection,
9 “photograph” includes any video, digital or other photographic
10 image.

11 3. Meetings to consider prisoners for parole may be held
12 semiannually or more often, on such dates as may be fixed by the
13 Board. All meetings are quasi-judicial and must be open to the
14 public. No rights other than those conferred pursuant to this section
15 or pursuant to specific statute concerning meetings to consider
16 prisoners for parole are available to any person with respect to such
17 meetings.

18 4. Except as otherwise provided in NRS 213.10915, not later
19 than 5 days after the date on which the Board fixes the date of the
20 meeting to consider a prisoner for parole, the Board shall notify the
21 victim of the prisoner who is being considered for parole of the date
22 of the meeting and of the victim’s rights pursuant to this subsection,
23 if the victim has requested notification in writing and has provided
24 his or her current address or if the victim’s current address is
25 otherwise known by the Board. *If the victim does not respond*
26 *within 21 days after the notification is sent, or if the notification is*
27 *returned as undeliverable, the Board shall attempt to contact the*
28 *victim at each electronic mailing address and telephone number*
29 *that the victim has provided or that is otherwise known by the*
30 *Board and, if the victim has provided the contact information of*
31 *any extended family members pursuant to section 4 of this act, the*
32 *Board shall attempt to contact any such family members.* The
33 victim of a prisoner being considered for parole may submit
34 documents to the Board and may testify at the meeting held to
35 consider the prisoner for parole. A prisoner must not be considered
36 for parole until the Board has notified any victim of his or her rights
37 pursuant to this subsection and the victim is given the opportunity to
38 exercise those rights. If **{a}** *the* current **{address}** *contact*
39 *information of the victim or his or her extended family members* is
40 not provided to or otherwise known by the Board, the Board must
41 not be held responsible if such notification is not received by the
42 victim.

43 5. The Board may deliberate in private after a public meeting
44 held to consider a prisoner for parole.



1 6. The Board of State Prison Commissioners shall provide
2 suitable and convenient rooms or space for use of the State Board of
3 Parole Commissioners.

4 7. Except as otherwise provided in NRS 213.10915, if a victim
5 is notified of a meeting to consider a prisoner for parole pursuant to
6 subsection 4, the Board shall, upon making a final decision
7 concerning the parole of the prisoner, notify the victim of its final
8 decision.

9 8. All personal information, including, but not limited to, a
10 current or former address, which pertains to a victim and which is
11 received by the Board pursuant to this section is confidential.

12 9. The Board may grant parole without a meeting, pursuant to
13 NRS 213.133, but the Board must not deny parole to a prisoner
14 unless the prisoner has been given reasonable notice of the meeting
15 and the opportunity to be present at the meeting. If the Board fails to
16 provide notice of the meeting to the prisoner or to provide the
17 prisoner with an opportunity to be present and determines that it
18 may deny parole, the Board may reschedule the meeting.

19 10. During a meeting to consider a prisoner for parole, the
20 Board shall allow the prisoner:

21 (a) At his or her own expense, to have a representative present
22 with whom the prisoner may confer; and

23 (b) To speak on his or her own behalf or to have his or her
24 representative speak on his or her behalf.

25 11. Upon making a final decision concerning the parole of the
26 prisoner, the Board shall provide written notice to the prisoner of its
27 decision not later than 10 working days after the meeting and, if
28 parole is denied, specific recommendations of the Board to improve
29 the possibility of granting parole the next time the prisoner is
30 considered for parole, if any.

31 12. For the purposes of this section, "victim" has the meaning
32 ascribed to it in NRS 213.005.

33 **Sec. 11.** 1. The amendatory provisions of sections 2, 3 and
34 10 of this act apply to a notification that is sent to a victim by the
35 Division of Parole and Probation of the Department of Public Safety
36 or the State Board of Parole Commissioners, as applicable, on or
37 after October 1, 2019.

38 2. The amendatory provisions of:

39 (a) Section 7 of this act apply to a sex offender who is placed
40 under a program of lifetime supervision on or after October 1, 2019.

41 (b) Section 8 of this act apply to a prisoner who is released on
42 parole on or after October 1, 2019.

