

ASSEMBLY BILL NO. 4—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DIVISION OF PAROLE AND PROBATION
OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED OCTOBER 8, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to probation and lifetime supervision. (BDR 14-246)

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

~

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

AN ACT relating to offenders; authorizing the Division of Parole and Probation of the Department of Public Safety to petition the sentencing court or the State Board of Parole Commissioners for the release of a person sentenced to lifetime supervision; authorizing the sentencing court or Board to grant such a petition under certain circumstances; clarifying provisions relating to certain allowable deductions from the period of probation of certain offenders; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires a court to include a special sentence of lifetime
2 supervision for any person convicted of certain sexual offenses. Existing law also:
3 (1) authorizes a person sentenced to lifetime supervision to petition the sentencing
4 court or the State Board of Parole Commissioners for release from lifetime
5 supervision; and (2) requires the sentencing court or Board to grant the petition for
6 release if, among other requirements, the person has not been convicted of an
7 offense that poses a threat to the safety or well-being of others for at least 10
8 consecutive years after the person’s last conviction or release from incarceration,
9 whichever occurs later. (NRS 176.0931) **Section 1** of this bill similarly authorizes
10 the Division of Parole and Probation of the Department of Public Safety to petition
11 the sentencing court or the State Board of Parole Commissioners for the release of a
12 person sentenced to lifetime supervision. **Section 1** also authorizes the sentencing
13 court or Board to grant such a petition if the person who is the subject of the
14 petition has not been convicted of an offense that poses a threat to the safety or



15 well-being of others for at least 20 consecutive years after the person's last
16 conviction or release from incarceration, whichever occurs later. **Section 3** of this
17 bill makes a conforming change to refer to a provision that has been renumbered in
18 **section 1**.

19 Existing law authorizes a court to place an offender on probation for a fixed
20 period or an indeterminate period. Under existing law, an offender sentenced to
21 serve a period of probation for a felony or gross misdemeanor must be allowed
22 certain deductions from the period of probation for each month the offender serves
23 and is: (1) current with certain fees and any payment of restitution ordered by the
24 court; or (2) actively involved in employment or enrolled in certain programs.
25 (NRS 176A.500) **Section 2** of this bill clarifies that an offender sentenced to serve a
26 period of probation for a felony or gross misdemeanor must be allowed such
27 deductions regardless of whether the period of probation of the offender is
28 indeterminate or fixed by the court.

29 **Section 4** of this bill provides that the amendatory provisions of: (1) **section 1**
30 apply to a person who is sentenced to lifetime supervision before, on or after
31 October 1, 2025; and (2) **section 2** apply to a person who is sentenced to serve a
32 period of probation before, on or after October 1, 2025.

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

1 **Section 1.** NRS 176.0931 is hereby amended to read as
2 follows:

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

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

9 3. A person sentenced to lifetime supervision may petition the
10 sentencing court or the State Board of Parole Commissioners for
11 release from lifetime supervision. The sentencing court or the Board
12 shall grant a petition for release from a special sentence of lifetime
13 supervision if:

14 (a) The person has complied with the requirements of the
15 provisions of NRS 179D.010 to 179D.550, inclusive;

16 (b) The person has not been convicted of an offense that poses a
17 threat to the safety or well-being of others for an interval of at least
18 10 consecutive years after the person's last conviction or release
19 from incarceration, whichever occurs later; and

20 (c) The person is not likely to pose a threat to the safety of
21 others, as determined by a licensed, clinical professional who has
22 received training in the treatment of sexual offenders, if released
23 from lifetime supervision.

24 4. *The Division may petition the sentencing court or the State*
25 *Board of Parole Commissioners for the release of a person*



1 *sentenced to lifetime supervision. The sentencing court or the*
2 *Board may grant a petition for release from a special sentence of*
3 *lifetime supervision if the person who is the subject of the petition*
4 *has not been convicted of an offense that poses a threat to the*
5 *safety or well-being of others for at least 20 consecutive years after*
6 *the person's last conviction or release from incarceration,*
7 *whichever occurs later.*

8 5. A person who is released from lifetime supervision pursuant
9 to the provisions of ~~subsection 3~~ *this section* remains subject to
10 the provisions for registration as a sex offender and to the provisions
11 for community notification, unless the person is otherwise relieved
12 from the operation of those provisions pursuant to the provisions of
13 NRS 179D.010 to 179D.550, inclusive.

14 ~~5.~~ 6. As used in this section:

15 (a) "Offense that poses a threat to the safety or well-being of
16 others" includes, without limitation:

17 (1) An offense that involves:

18 (I) A victim less than 18 years of age;

19 (II) A crime against a child as defined in
20 NRS 179D.0357;

21 (III) A sexual offense as defined in NRS 179D.097;

22 (IV) A deadly weapon, explosives or a firearm;

23 (V) The use or threatened use of force or violence;

24 (VI) Physical or mental abuse;

25 (VII) Death or bodily injury;

26 (VIII) An act of domestic violence;

27 (IX) Harassment, stalking, threats of any kind or other
28 similar acts;

29 (X) The forcible or unlawful entry of a home, building,
30 structure, vehicle or other real or personal property; or

31 (XI) The infliction or threatened infliction of damage or
32 injury, in whole or in part, to real or personal property.

33 (2) Any offense listed in subparagraph (1) that is committed
34 in this State or another jurisdiction, including, without limitation, an
35 offense prosecuted in:

36 (I) A tribal court.

37 (II) A court of the United States or the Armed Forces of
38 the United States.

39 (b) "Sexual offense" means:

40 (1) A violation of NRS 200.366, subsection 4 of NRS
41 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,
42 paragraph (a) of subsection 1 of NRS 200.975, NRS 201.180,
43 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of
44 subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;



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

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

7 **Sec. 2.** NRS 176A.500 is hereby amended to read as follows:

8 176A.500 1. Except as otherwise provided in subsection 2,
9 the period of probation or suspension of sentence may be
10 indeterminate or may be fixed by the court and may at any time be
11 extended or terminated by the court, but the period, including any
12 extensions thereof, must not be more than:

13 (a) Twelve months for a:

14 (1) Gross misdemeanor; or

15 (2) Suspension of sentence pursuant to NRS 176A.240,
16 176A.260, 176A.290 or 453.3363;

17 (b) Eighteen months for a category E felony;

18 (c) Twenty-four months for a category C or D felony;

19 (d) Thirty-six months for a category B felony; or

20 (e) Notwithstanding the provisions of paragraphs (a) to (d),
21 inclusive, 60 months for a violent or sexual offense as defined in
22 NRS 202.876, a violation of NRS 200.508 or a violation of NRS
23 574.100 that is punishable pursuant to subsection 6 of that section.

24 2. The court may extend the period of probation or suspension
25 of sentence ordered pursuant to subsection 1 for a period of not
26 more than 12 months if such an extension is necessary for the
27 defendant to complete his or her participation in a specialty court
28 program.

29 3. At any time during probation or suspension of sentence, the
30 court may issue a warrant for violating any of the conditions of
31 probation or suspension of sentence and cause the defendant to be
32 arrested. Except for the purpose of giving a dishonorable discharge
33 from probation, and except as otherwise provided in this subsection,
34 the time during which a warrant for violating any of the conditions
35 of probation is in effect is not part of the period of probation. If the
36 warrant is cancelled or probation is reinstated, the court may include
37 any amount of that time as part of the period of probation.

38 4. Any parole and probation officer or any peace officer with
39 power to arrest may arrest a probationer without a warrant, or may
40 deputize any other officer with power to arrest to do so by giving the
41 probationer a written statement setting forth that the probationer has,
42 in the judgment of the parole and probation officer, violated the
43 conditions of probation. Except as otherwise provided in subsection
44 5, the parole and probation officer or the peace officer, after making
45 an arrest, shall present to the detaining authorities, if any, a



1 statement of the charges against the probationer. The parole and
2 probation officer shall at once notify the court which granted
3 probation of the arrest and detention or residential confinement of
4 the probationer and shall submit a report in writing showing in what
5 manner the probationer has violated the conditions of probation.

6 5. A parole and probation officer or a peace officer may
7 immediately release from custody without any further proceedings
8 any person the officer arrests without a warrant for violating a
9 condition of probation if the parole and probation officer or peace
10 officer determines that there is no probable cause to believe that the
11 person violated the condition of probation.

12 6. ~~6.~~ *Regardless of whether the period of probation ordered*
13 *pursuant to subsection 1 is indeterminate or fixed by the court, a*
14 *person who is sentenced to serve a period of probation for a felony*
15 *or a gross misdemeanor must be allowed for the period of the*
16 *probation a deduction of:*

17 (a) Ten days from that period for each month the person serves
18 and is current with any fee to defray the costs of his or her
19 supervision charged by the Division of Parole and Probation of the
20 Department of Public Safety pursuant to NRS 213.1076 and with
21 any payment of restitution ordered by the court, including, without
22 limitation, any payment of restitution required pursuant to NRS
23 176A.430. A person shall be deemed to be current with any such fee
24 and payment of restitution for any given month if, during that
25 month, the person makes at least the minimum monthly payment
26 established by the court or, if the court does not establish a
27 minimum monthly payment, by the Division.

28 (b) Except as otherwise provided in subsection 8, 10 days from
29 that period for each month the person serves and is actively involved
30 in employment or enrolled in a program of education, rehabilitation
31 or any other program approved by the Division.

32 7. A person must be allowed a deduction pursuant to paragraph
33 (a) or (b) of subsection 6 regardless of whether the person has
34 satisfied the requirements of the other paragraph and must be
35 allowed a deduction pursuant to paragraphs (a) and (b) of subsection
36 6 if the person has satisfied the requirements of both paragraphs of
37 that subsection.

38 8. A person who is sentenced to serve a period of probation for
39 a felony or a gross misdemeanor and who is a participant in a
40 specialty court program must be allowed a deduction from the
41 period of probation for being actively involved in employment or
42 enrolled in a program of education, rehabilitation or any other
43 program approved by the Division only if the person successfully
44 completes the specialty court program. Such a deduction must not



1 exceed the length of time remaining on the person's period of
2 probation.

3 **Sec. 3.** NRS 213.1243 is hereby amended to read as follows:

4 213.1243 1. The Board shall establish by regulation a
5 program of lifetime supervision of sex offenders to commence after
6 any period of probation or any term of imprisonment and any period
7 of release on parole. The program must provide for the lifetime
8 supervision of sex offenders by parole and probation officers.

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

10 (a) The limited purposes of the applicability of the provisions of
11 NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and
12 subsection 2 of NRS 213.110; and

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

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

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

21 (b) If the residence is a facility that houses more than three
22 persons who have been released from prison, the facility is a facility
23 for transitional living for released offenders that is licensed pursuant
24 to chapter 449 of NRS.

25 (c) The person keeps the parole and probation officer informed
26 of his or her current address.

27 4. Except as otherwise provided in subsection 9, the Board
28 shall require as a condition of lifetime supervision that the sex
29 offender, unless approved by the parole and probation officer
30 assigned to the sex offender and by a psychiatrist, psychologist or
31 counselor treating the sex offender, if any, not knowingly be within
32 500 feet of any place, or if the place is a structure, within 500 feet of
33 the actual structure, that is designed primarily for use by or for
34 children, including, without limitation, a public or private school, a
35 school bus stop, a center or facility that provides day care services, a
36 video arcade, an amusement park, a playground, a park, an athletic
37 field or a facility for youth sports, or a motion picture theater. The
38 provisions of this subsection apply only to a sex offender who is a
39 Tier 3 offender.

40 5. Except as otherwise provided in subsection 9, if a sex
41 offender is convicted of a sexual offense listed in subsection 6 of
42 NRS 213.1255 against a child under the age of 14 years, the sex
43 offender is a Tier 3 offender and the sex offender is sentenced to
44 lifetime supervision, the Board shall require as a condition of
45 lifetime supervision that the sex offender:



1 (a) Reside at a location only if the residence is not located
2 within 1,000 feet of any place, or if the place is a structure, within
3 1,000 feet of the actual structure, that is designed primarily for use
4 by or for children, including, without limitation, a public or private
5 school, a school bus stop, a center or facility that provides day care
6 services, a video arcade, an amusement park, a playground, a park,
7 an athletic field or a facility for youth sports, or a motion picture
8 theater.

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

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

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

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

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

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

27 7. Except as otherwise provided in this subsection, a person
28 who intentionally removes or disables or attempts to remove or
29 disable an electronic monitoring device placed on a sex offender
30 pursuant to this section is guilty of a gross misdemeanor. The
31 provisions of this subsection do not prohibit a person authorized by
32 the Division from performing maintenance or repairs to an
33 electronic monitoring device.

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

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



1 10. The Board shall require as a condition of lifetime
2 supervision that the sex offender not have contact or communicate
3 with a victim of the sexual offense or a witness who testified against
4 the sex offender or solicit another person to engage in such contact
5 or communication on behalf of the sex offender, unless approved by
6 the Chief or his or her designee and a written agreement is entered
7 into and signed.

8 11. The Board shall require as a condition of lifetime
9 supervision, in addition to any other condition imposed pursuant to
10 this section, that the sex offender:

11 (a) Participate in and complete a program of professional
12 counseling approved by the Division, unless, before commencing a
13 program of lifetime supervision, the sex offender previously
14 completed a program of professional counseling recommended or
15 ordered by the Board or the court upon conviction of the sexual
16 offense for which the sex offender will be placed under a program
17 of lifetime supervision.

18 (b) Not use aliases or fictitious names.

19 (c) Not possess any sexually explicit material that is harmful to
20 minors as defined in NRS 201.257.

21 (d) Not enter, visit or patronize an establishment which offers a
22 sexually related form of entertainment as its primary business.

23 (e) Inform the parole and probation officer assigned to the sex
24 offender of any post office box used by the sex offender.

25 12. If the sex offender is convicted of a sexual offense
26 involving the use of the Internet, the Board shall require, in addition
27 to any other condition imposed pursuant to this section, that the sex
28 offender not possess any electronic device capable of accessing the
29 Internet and not access the Internet through any such device or any
30 other means, unless the sex offender installs a device or subscribes
31 to a service which enables the parole and probation officer assigned
32 to the sex offender to regulate the sex offender's use of the Internet.
33 The provisions of this subsection do not apply to a device used by a
34 sex offender within the course and scope of his or her employment.

35 13. If the sex offender is convicted of a sexual offense
36 involving the use of alcohol, cannabis or a controlled substance, the
37 Board shall require, in addition to any other condition imposed
38 pursuant to this section, that the sex offender participate in and
39 complete a program of counseling pertaining to substance use
40 disorders approved by the Division, unless, before commencing a
41 program of lifetime supervision, the sex offender previously
42 completed a program of counseling pertaining to substance use
43 disorders recommended or ordered by the Board or the court upon
44 conviction of the sexual offense for which the sex offender will be
45 placed under a program of lifetime supervision.



1 14. If a court issues a warrant for arrest for a violation of this
2 section, the court shall cause to be transmitted, in the manner
3 prescribed by the Central Repository for Nevada Records of
4 Criminal History, notice of the issuance of the warrant for arrest in a
5 manner which ensures that such notice is received by the Central
6 Repository within 3 business days.

7 15. For the purposes of prosecution of a violation by a sex
8 offender of a condition imposed upon him or her pursuant to the
9 program of lifetime supervision:

10 (a) In which the violation occurred outside this State, the
11 violation shall be deemed to have occurred in, and may only be
12 prosecuted in, the county in which the court that imposed the
13 sentence of lifetime supervision pursuant to NRS 176.0931 is
14 located, regardless of whether the acts or conduct constituting the
15 violation took place, in whole or in part, outside that county or
16 outside this State; or

17 (b) In which the violation occurred within this State, the
18 violation shall be deemed to have occurred in, and may only be
19 prosecuted in, the county in which the violation occurred.

20 16. As used in this section, "sex offender" means any person
21 who has been convicted of a sexual offense as defined in paragraph
22 (b) of subsection ~~5~~ 6 of NRS 176.0931.

23 **Sec. 4.** The amendatory provisions of:

24 1. Section 1 of this act apply to a person who is sentenced to a
25 program of lifetime supervision before, on or after October 1, 2025.

26 2. Section 2 of this act apply to a person who is sentenced to
27 serve a period of probation before, on or after October 1, 2025.



