

Central Repository for Nevada Records of Criminal History

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Records Bureau Chief



Good morning. My name is Mindy McKay. I'm the Records Bureau Chief with the Department of Public Safety, General Services Division. I will be presenting an overview of the State's Sex Offender Registry and the laws that govern us. I have my boss, Julie Butler, and some of my supervisors and managers in attendance to help answer questions. You all should have a copy of this slide presentation to follow along.

MEGAN'S LAW

Enacted in 1997

- All offenders are required to register within 48 hours of release or upon arrival to the state
- Tier Levels are based on a risk assessment scored by the State Sex Offender Registry staff
 - Tier 1 – low risk of re-offending
 - Tier 2 – moderate risk of re-offending
 - Tier 3 – high risk of re-offending
- Mechanism for offender to appeal Tier Level (Reconsideration Hearing)
- All offenders verify registration information annually for life
- Does not apply to juveniles
- Not retroactive
- No relief of registration for Tier Level 1



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Currently, sex offenders are registered in accordance with Megan's Law.

ADAM WALSH CHILD PROTECTION AND SAFETY ACT

An **Act** to protect children from sexual exploitation and violent crime, to prevent child abuse and child pornography, to promote internet safety, and to honor the memory of **Adam Walsh** and other child crime victims. Enacted by the 109th United States Congress and signed into law by President Bush on July 27, 2006.



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After Megan's Law came the Adam Walsh Child Protection and Safety Act.

SORNA

SORNA refers to the Sex Offender Registration and Notification Act which is Title I of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248).

SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States.



SORNA

- Established minimum standards for sex offender registration and notification.
- Expands the types of offenses for which registration is required.
- Established a three-tier framework for classifying sex offenders.
- Expands the quantity of registration information required.
- Standardized the information to be included on public sex offender websites.



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Minimum standards included further in the presentation.

Expands types of offenses for required registration: broadens the definition of a sexual offense.

3-tier framework defines the frequency and duration of notification and is determined by the literal conviction and age of the victim:

Additional registration information such as internet identifiers, boats, planes, etc.

SORNA

- Requires sex offenders to register in each jurisdiction they reside, work, and/or attend school.
- Requires sex offenders to provide more extensive registration information.
- Requires sex offenders to make in-person appearances at local law enforcement agencies to verify and update their record of registration.
- Changes the in-person appearance schedule depending on Tier Level.
- Changes the required minimum duration of registration for sex offenders.



THE SMART OFFICE

The Office of Sex Offender Sentencing,
Monitoring, Apprehending, Registering,
and Tracking (SMART)



THE SMART OFFICE

- The Adam Walsh Act created the SMART Office within the Department of Justice, Office of Justice Programs, to administer the federal standards for sex offender registration and notification.
- SMART provides assistance to states nationwide in implementing Title I of the Act's provisions, also known as the **Sex Offender Registration and Notification Act (SORNA)**.



ASSEMBLY BILL 579

- During the 2007 legislative session Nevada Revised Statute 179D was revised to align with the federal requirements of SORNA.
- AB 579 passed unanimously in both the Nevada State Assembly and the Nevada State Senate.



MAJOR CHANGES

- AB 579 assigns a sex offender's Tier Level based on what they were convicted of and age of the victim.
 - There is no mechanism to appeal the assigned Tier Level.
- The Tier Level then determines the frequency an offender must report in-person to local law enforcement to register and also establishes the duration of registration required.



AB 579 TIER LEVELS

- Tier Level 3 offenders report in person every 90 days and register for life
- Tier Level 2 offenders report in person every 180 days and register for 25 years
- Tier Level 1 offenders report in person annually and register for 15 years with ability to petition a court for relief after 10 years



AB 579

- Includes certain juvenile offenders
 - adjudicated delinquent
 - 14 years of age at the time of the offense
 - convicted of a sexual violent offense or sexual activity with a victim less than 12 years of age
 - can petition for relief of registration after 25 consecutive years
 - Required to be posted on the public website for community notification



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SORNA provides each state discretion as to posting juveniles on the public notification website.

PUBLIC WEBSITE

- AB 579 subjects more offenders to community notification on the state's public website www.nvsexoffenders.gov
- The website does not contain information regarding Tier Level 1 offenders unless they have been convicted of a sexual offense against a child or a crime against a child. NRS 179B.250(7)(b).



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Currently, Megan's law requires Tier Level 2s and 3s to be posted

IMPACT ON THE STATE AND LOCAL LAW ENFORCEMENT

Total Offenders = 6,628

Megan's Law tier levels	AB 579 Tier Levels
Tier 1 = 1,961	Tier 1 = 1,676
Tier 2 = 2,694	Tier 2 = 1,822
Tier 3 = 241	Tier 3 = 3,068
No Tier Required = 1,732	Relieved from Registration = 62



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Megan's Law tier levels were based on a risk assessment tool which determined the risk to reoffend based on multiple pieces of information resulting in a final score as follows: tier 1 – low risk; tier 2 – moderate risk; tier 3 – high risk. AB 579 tier levels are based on what they were convicted of and the age of the victim period. Because everyone is trained as to the tier being risk based and the terminology of "tier" is still being utilized under AB 579, it has been extremely difficult to re-educate everyone as to the new definition which doesn't tell the public the likeliness of the offender to re-offend. That's really what they want to know and now AB 579 doesn't tell them that.

It is especially difficult for those offenders who were never a tier level 3 and will now be in that category. They are extremely upset not only about that but also about being placed on the community notification website if they were never subjected to that under Megan's Law.

Those who are being paroled and are a Tier Level 3 are having a difficult time being accepted to half way houses because most half way houses don't accept Tier Level 3s based on the Megan's law definition.

IMPACT ON THE STATE REGISTRY

- Substantial costs specific to:
 - Technology
 - Staffing
 - Supplies/postage
 - Time spent dual tiering
- Reconsideration Hearings
- Threats from offenders
- Detriment to morale



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Maintaining the dual registry over the past 8 years has monopolized resources such as IT, grant funding, budget, staff, equipment, supplies, etc.

IMPACT OF AB 579

- ◆ Megan's Law verifications received annually
 - 6,628
- ◆ AB 579 verifications annually
 - 17,592



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Due to the extreme increase in verifications, we went to IFC in June to request 8 additional positions to help absorb the impact of the implementation of AB 579 which was set to go into effect on July 1, 2016. The fiscal impact on local law enforcement agencies is unknown.

LEGAL CHALLENGES TO AB 579

The new sex offender registry requirements were set to go into effect on July 1, 2008. On June 24, 2008, the American Civil Liberties Union filed a federal lawsuit challenging the constitutionality of AB 579 and sought a preliminary injunction barring implementation.



LEGAL CHALLENGES TO AB 579

There have been a total of four court cases that have placed a "stay" from the implementation of AB 579 since 2007

- 2008 challenging the constitutionality
- 2013 the constitutionality as applied to juveniles
- 2014 challenging the constitutionality
- 2016 challenging the constitutionality



LEGAL CHALLENGES TO AB 579

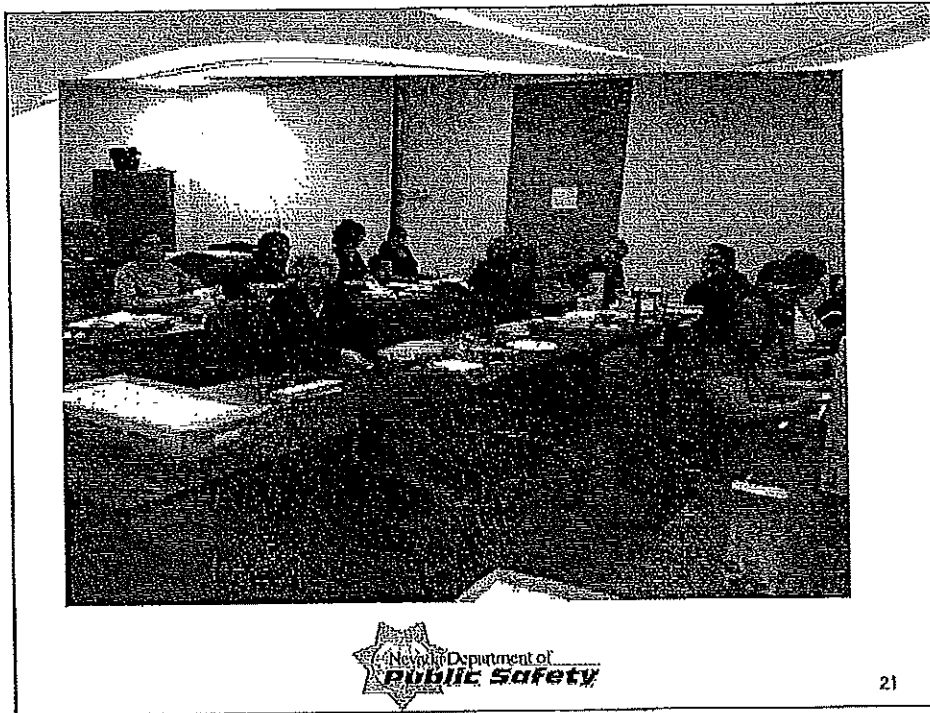
The Ninth Circuit Court of Appeals issued its decision holding AB 579 to be constitutional in its entirety.

The Nevada Supreme Court held that AB 579 was constitutional as applied to juvenile offenders.



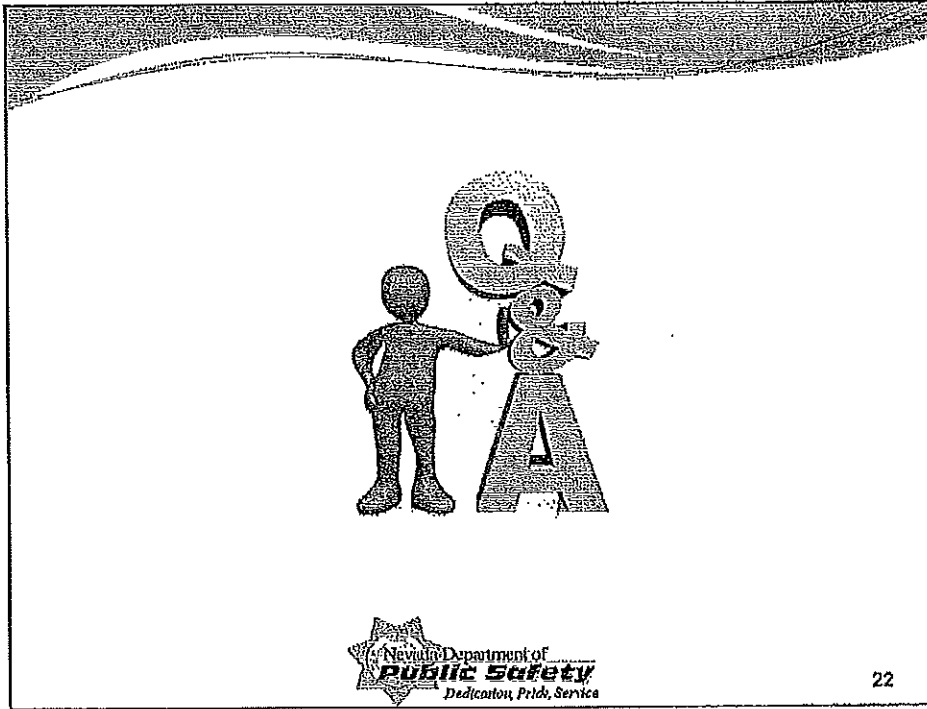
**SUGGESTED
CHANGES TO
AB 579
DISCUSSION**





This is a visual of the tremendous effort it takes just to mail notification letters to all 6,600+ actively registered offenders every time the stay is lifted or the implementation is enjoined.

This is only half of our large training room which is completely utilized for 2 full days to stuff the envelopes with the notification to the offenders.



Thank you for this opportunity. We are happy to answer any questions.