

2017 Legislative Session

AB 395

Initial thoughts...

- Hybrid system for juveniles
 - Incorporates the Adam Walsh Act with the process in place prior to the implementation of the Adam Walsh Act
- Offense/Offender based system

Definitions

- Sexual Offense:
 - Sexual Assault
 - Lewdness with a Minor
 - Minors and Pornography
 - NRS 200.710
 - NRS 200.720
 - NRS 200.730
 - Felony Attempt/Conspiracy
 - Sexually motivated crimes
 - Aggravated Sexual Offense

Definitions, cont.

- Aggravated Sexual Offense:
 - Battery with Intent to Commit Sexual Assault
 - An NRS 179D.097 offense involving the Administration of a Drug/Controlled Substance
 - Deadly Weapon Enhancement on a NRS 179D.097 offense
 - Substantial Bodily Harm on a NRS 179D.097 offense
 - Any sexual offense if prior adjudication for a sexual offense
 - Attempt/Conspiracy listed

Registration and Community Notification

- Applies to a Juvenile who:
 - Is 14 years of age or older, and
 - Is convicted of a sexual offense
- The Juvenile must register with Juvenile Court, the Director of Juvenile Services, or Youth Parole Bureau
 - Includes address changes, employment status, student status, cars, etc.
- The Juvenile Court, the Director of Juvenile Services, or Youth Parole Bureau shall notify the Central Repository
- Central Repository will carry out Registration and Community Notification

Hearings

- Exemption from Community Notification hearing
- Release from Registration/Community Notification hearing
- District Court Judge must make the findings

Exemption Hearing

- A juvenile may move to exempt themselves from Community Notification, or from placement on the community notification website, or both
- Aggravated Sexual Offenses cannot be exempted
- Court may consider any evidence, reports, statements, etc.
- “Clear and Convincing Evidence that the child is not likely to pose a threat to the safety of others”

Factors to Consider at Exemption Hearing

- Nature of the acts
- Family controls
- Treatment plan
- Juvenile court history
- Evaluations
- Safety of the community
- Child impact
- Victim impact

Exemption Reconsideration

- Upon good cause, a court may reconsider the granting or denial of an Exemption motion
 - Consider same factors as it considered at the original exemption hearing, plus:
 - The extent to which the victim has received counseling, and
 - The Juvenile's behavior

Release Hearing

- If a juvenile, 14 years of age or older, is convicted of a sexual offense the Juvenile Court must hold a hearing around the juvenile's 21st birthday
- Juvenile Court may consider any evidence, reports, statements, etc.
- Dispositive question: "Clear and convincing evidence that the child has been rehabilitated to the satisfaction of the juvenile court and that the child is not likely to pose a threat to the safety of others"
- If not rehabilitated, the juvenile is ordered to adult Registration and Community Notification

Factors to Consider at Release Hearing

- Nature of the acts
- Response to therapy
- Risk of recidivism
- Juvenile court history
- Recent threats or intentions to commit any crime
- Physical conditions that minimize the risk of recidivism
- Safety of the community
- Victim impact

Other changes in AB395

- Conforming changes to 179D
- Conforming changes to the juvenile records statutes
- Open and Gross Lewdness/Indecent Exposure

Questions?