MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning Sex Offender Registration

Date: May 1, 2014

Meeting Location: Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701
Conference Room # 3138

Video Teleconferenced: Legislative Counsel Bureau
555 E. Washington Avenue
Las Vegas, Nevada 89101
Conference Room # 4412

Committee Attendees:
Keith Munro, Brett Kandt, Michele Fiore, Susan Roske, Donna Coleman, Curtiss Kull, Scott Shick, Elizabeth Neighbors, Tod Story, Committee Legal Counsel Lori Story, and Secretary Janice Riherd.

Members of the Public Who Signed In As Present:
Regan Comis and Wesley Goetz.

Agenda Item #1:
Call to Order and Roll Call:
The meeting was called to order by Keith Munro, Assistant Attorney General and Committee Chair at 10:02 am. Mr. Munro asked for roll call, the above members of the committee were present.

Agenda Item #2:
Public Comment:
Mr. Munro called for public comment. The following members of the public came forward and spoke:

Public Comment in Carson City: None
Public Comment in Las Vegas: None

Agenda Item #3:
Approve December 13, 2013 Meeting Minutes:
The minutes of the December 13, 2013 meeting were reviewed; Scott Shick stated that the first word on the top of page seven (7) should be psychological instead of physiological. Secretary Janice Riherd confirmed that change would be made to the December 13, 2013 minutes. Brett Kandt made a motion to approve the minutes with the one above noted amendment, Scott Shick seconded the motion. All committee members present were in favor of the

motion. The motion was carried and the minutes of the December 13, 2013 meeting were approved.

Chairman Munro Combined Agenda Items #4 and #6:

Agenda item #6:
Report on Judicial Discretion to Place Juvenile Sex Offenders on the Website. *Presented by Susan Roske, Clark County Public Defender's Office:*
Ms. Roske stated that even though she supports repealing AB579 entirely, or in the alternative repealing those statutes regarding juveniles being subject to community notification, if this committee recommends a partial change to AB579, she suggests that the committee consider the approved changes from the SMART office. The SMART Office has said that the juvenile courts can have the discretion to keep juveniles off the public website. If this committee was to recommend an amendment to the statute that requires juveniles adjudicated of certain sex offenses to register and be subject to community notification, she strongly urges that change recommendation to be that the juvenile courts are allowed the discretion to keep juveniles off the public website.

Question by Keith Munro:
Mr. Munro asked what type of changes to NRS 62F.220 should be made to the existing statute.

Response by Ms. Roske:
Ms. Roske suggested revision is that a provision be added to allow the Juvenile Court Judge discretion to Order that information concerning juveniles not be on the public website.

Question by Keith Munro:
Pursuant to Ms. Roske's statement regarding a partial change to AB579, Mr. Munro stated that a simple approach would be for the Legislature to repeal AB579 in its entirety. However, something short of repealing AB579 in its entirety requires looking at the parts of Adam Walsh Act to see which portion(s) there may be consensus on for changing.

Mr. Munro stated that when the US Congress passed the Adam Walsh Act, it required community notification for juveniles adjudicated for certain offenses to be placed on the community website. Nevada responded and passed AB579 which included that requirement. Subsequent to the passage of AB579, the SMART Office pronounced this provision for juveniles would not be a requirement for compliance with the Adam Walsh Act.

Response by Roske:
Ms. Roske stated Mr. Munro's statement was accurate; however, AB579 included many offenses that were not required by the Adam Walsh Act. The Adam Walsh Act narrowly defined that juvenile delinquents who should be

subject to community notification and registration are those charged with violent sexual assault, or those rendering a victim unconscious in order to commit a sexual assault. Nevada's statute included lewdness with a minor charge as well as battery with intent to commit sexual assault, even sexual assaults not involving force or violence. Ms. Roske reiterated that AB 579 went beyond what was required by the Adam Walsh Act.

Question by Keith Munro:
Mr. Munro asked what offenses under federal Adam Walsh are required for automatic community notification of juvenile offenders.

Response by Ms. Roske:
Ms. Roske answered stating sexual assaults that involve force or violence, or rendering a victim unconscious in order to commit a sexual assault require automatic community notification of juvenile offenders.

Question by Mr. Munro:
Mr. Munro inquired if Ms. Roske's response was two (2) categories, or two (2) specific crimes.

Response by Ms. Roske:
Ms. Roske stated that sexual assault is one crime, how the sexual assaulted is effectuated, whether the sexual assault involves force or violence or the sexual assault is by rendering a victim unconscious in order to commit a sexual assault.

Question by Mr. Munro:
Mr. Munro asked what the statutory offenses in AB579 are for juveniles that require automatic community notification.

Response by Ms. Roske:
Ms. Roske stated that NRS 62F.200 defines sexual assault subject to community notification as lewdness with a minor, any sexual assault whether it involves force or violence, or battery with intent to commit sexual assault. Ms. Roske went on to say that studies show that for the most part, children behaving sexually against another child are children acting out on their peer group because they are confused about their sexuality. These are very different acts from an adult behaving sexually against a child. A person cannot be classified as pedophiles until they reach the age of eighteen (18).

Question by Mr. Munro:
Mr. Munro asked if the Adam Walsh federal requirements and the Nevada Statutes were overlapped, if Ms. Roske could in a future meeting define which Nevada statutory requirements incorporated by AB579 fall outside of the federal requirements.

Response by Ms. Roske:
Ms. Roske confirmed she would be willing to make that presentation.

Question by Mr. Kandt:
In order to clarify the record, Mr. Kandt asked Ms. Roske to define the difference between a child who is charged and adjudicated as an adult for certain crimes, and how they would be treated versus a child that is handled through the juvenile justice system.

Response by Ms. Roske:
Ms. Roske stated that the juvenile delinquency system is very different from the adult system. In the adult system an individual has the right to a trial by jury; a child does not have that right. Ms. Roske stated that because of the lifelong consequences, for any child that is subject to community notification and registration as an adult, she will be moving for jury trials. Other states, Ohio in particular, have been granting jury trials in these types of cases. A purpose of the juvenile justice system is to understand that children are different than adults and to forgive children of their transgressions. There is growing U.S. Supreme Court jurisprudence that recognizes children are different than adults. Their brains are not fully developed; they are immature and make impulsive decisions because of their age and their biology. The juvenile justice system recognizes that juveniles do not commit criminal acts, their acts are delinquent, yet this legislation is giving juvenile adult civil consequences, and alleged criminal consequences, for their behavior. In the past a child that was adjudicated delinquent of a sex offense would be placed on probation under the supervision of the juvenile court at minimum until the age of twenty-one (21). If the child is then transferred to the adult system and faced with criminal charges that occurred prior to their eighteenth (18^{th}) birthday, then they have all the full rights of an adult in the criminal justice system.

Question by Mr. Kandt:
Mr. Kandt thought an important point to make is that if consideration to amend NRS 62F.220 to allow a judge to keep a minor off the public website, that this amendment would apply if the child is handled through the juvenile justice system. If the juvenile is charged as an adult, and they proceed through the criminal justice system, the proposed amendment would not apply.

Response by Ms. Roske:
Ms. Roske stated that Mr. Kandt's statement was completely correct.

Statement by Mr. Shick:
Mr. Shick stated that the concerns from the juvenile justice standpoint and his understanding of AB579, if a juvenile is convicted of a sexual assault, that the juveniles are going to be required to register as a sex offender for twenty-five (25) years. Taking juveniles off the public website is important, however not to mitigate any egregious offenses, registering as a sex offender for that length of

time is going to follow the juveniles and inhibit their ability to maintain their life. He believes it is important to look at lessening that reporting requirement based on performance and ongoing evaluations. Additionally, a logistical concern is that the juvenile probation departments will be required to maintain and keep these records open and be responsible for managing the cases for the duration of the extended reporting requirements.

Response by Ms. Roske:
Ms. Roske clarified that Sexual Assault and battery with Intent to Commit Sexual Assault is a Tier Three (3) offense, which is a lifetime registering requirement. Therefore, a child between the ages of fourteen (14) and seventeen (17) convicted of a sexual assault would be subject to lifetime registration and notification. This includes the requirement of personal appearance and reporting to the agency every ninety (90) days for registration purposes, and the two (2) day requirement for reporting after every move or school change. There is a provision for Tier Three (3) offenders to petition to be removed after twenty-five (25) years. Lewdness with a Minor is a Tier Two (2) offense, subject to a twenty-five year (25) registration requirement. There is currently not a provision for early removal regarding a Tier Two (2) offender.

Agenda item #4:
Report on Sex Offender Data for 2013 Per Judicial District.

1. **The number of youth on probation for a sex offense.**
2. **Number of sex offender evaluations conducted.**
3. **The cost of the evaluations**

Presented by Scott Shick, Nevada Association of Juvenile Justice Administrators:
Sex Offender Evaluations were required both under previous laws as well as the current law prior to adjudication hearings. Mr. Shick presented the committee with a chart breaking down by county the number of youth on probation for a sex offense, the number of evaluations conducted and the total cost of evaluations. *See*, Attachment One (1). Mr. Shick reported that the chart did not break out the felony convictions, and he will do that for future reference. The cost of the evaluations is covered through the jurisdiction budget, the probation or county budget. The chart depicts a total of 436 youth on probation for a sex offense, some of those could be referrals, and some may have been pled down, however the number of evaluations conducted in 2013 was ninety (90). The average cost of each evaluation is approximately $550.00, not including any follow-up costs. Specialized evaluations are necessary to evaluate juvenile sex offenders and their propensity to re-offend, and establish a recommendation to the Court on an individual case basis. The results of the sex offender evaluation are included in the Petition Report to the Court. During the course of routine follow-up, evaluations may be ordered to obtain a clear psychological picture. Typically these follow-up evaluations are not as costly as the initial evaluations.

Mr. Shick reported that monetary assistance from the Sex Offender Task Force, which is managed by the Juvenile Justice Programs Office, to assist jurisdictions who are not able to afford the evaluation costs would aid in compliance with statute and to be aware of the condition of sex offenders as they move through the legal process.

Question by Mr. Munro:
Mr. Munro inquired if there were protocols in effect regarding the evaluations being conducted at this time.

Response by Mr. Shick:
Mr. Shick stated that charges are filed, an initial hearing is conducted, investigation/ fact finding is conducted, and the hiring of a qualified sex offender specialist. Mr. Shick reported that the evaluations are geared toward specific adolescent behaviors, and additionally there are not many qualified specialists available in Nevada.

Question by Mr. Munro:
Mr. Munro inquired if the evaluators have established protocols that they utilize when evaluating juveniles to determine the extent of the risk to public safety.

Response by Mr. Shick:
Mr. Shick stated the evaluators do have tools and protocols which are followed to come to their conclusion regarding the offenders. However, he does not currently possess a list of those tools or protocols.

Question by Mr. Munro to Susan Roske:
Mr. Munro inquired if Ms. Roske knew the evaluators established protocols that they utilize when evaluating juveniles to determine the extent of the risk to public safety.

Response by Ms. Roske:
Ms. Roske stated that in Clark County only assessments by individuals who are certified by the American Treatment of Sex Offenders are utilized. The evaluators undergo qualification through this national organization to provide treatment for adolescent sex offenders. Ms. Roske stated that these evaluations were important in determining what type of treatment the sex offender required.

Question by Mr. Munro to Elizabeth Neighbors:
Mr. Munro inquired if Nevada had nationally accepted or certified risk assessment instrument(s) for determining how dangerous the juvenile sex offenders are to public safety, and additionally, if sufficient information could be given to a Judge to make the determination whether or not the juvenile should be subject to community website notification.

Response by Ms. Neighbors:
Ms. Neighbors stated she was most familiar with the Adult requirements, however, there are standardized and validated instruments for juveniles. Ms. Neighbors stated her presumption is that the evaluators would be utilizing those instruments. Typically these instruments would be used adjunct to other observations and information. In the adult sex offender evaluations there are specific requirements regarding a sex offender evaluation. Ms. Neighbors volunteered to research and bring back to the committee a summary of the standardized and validated risk assessment instruments being utilized for juveniles.

Question by Mr. Munro for Scott Shick:
Mr. Munro asked Mr. Shick's opinion if there are convicted juvenile sex offenders that should be subject to community website notification.

Response by Mr. Shick:
Mr. Shick confirmed that there are cases where convicted juvenile sex offenders that should be subject to community website notification. In his many years of experience, he has seen juveniles who should be on community website notification and twenty-five (25) year if not lifetime registration based on the habitual behavior of the juvenile and the nature of the offense being so egregious.

Question by Keith Munro:
Mr. Munro asked that if conversely there are some convicted juvenile sex offenders that should *not* be subject to community website notification.

Response by Mr. Shick:
Mr. Shick confirmed in his opinion, based on past statutes and how past juveniles favorably responded to treatment without repetitive offenses, that there are many juveniles who should not be on the community notification website, or be subject to registration requirements.

Question by Keith Munro:
Mr. Munro asked that if in the statutes in effect prior to AB579, was there any ability for community website notification for juvenile adjudicated for juvenile offenses.

Response by Mr. Shick:
Mr. Shick stated that prior to AB579 there were no options for community website notification, only local registration with law enforcement and school districts.

Statement by Susan Roske:
Ms. Roske wanted to clarify Mr. Shick's previous statement, that under the now repealed NRS 62F.250, the juvenile court would have a hearing when the child reached the age of twenty-one (21) to determine whether or not the juvenile

should be deemed an adult sex offender for the purposes of community website notification and registration. Additionally, Ms. Roske stated that children ages fourteen (14) and older who would be subject to community notification and registration under AB579, whose offenses are egregious, are also subject to be transferred to the adult division and treated as an adult.

Response by Mr. Shick:
Mr. Shick confirmed and stood corrected regarding 62F.250 and the ability of the juveniles to be transferred to the adult division.

Question by Keith Munro:
Mr. Munro asked the committee if determination should be made on an individual case by case basis which juveniles adjudicated under the juvenile system should be on community website notification, is there any person or process better suited to make those determination than the Judges.

Response by Scott Shick:
Mr. Shick stated that judicial discretion combined a full report regarding the offender, including input of District Attorneys and Public Defenders, makes the courtroom is the best place to make that decision.

Response by Brett Kandt:
Mr. Kandt stated it was important to remember that prior to the implementation of SORNA, Nevada had an offender based system for classifying offenders. The Judge, based on the evaluation process, made a determination. This discussion is considering returning to that process/system for the limited extent for this narrow scope of individuals.

Agenda item #5:
Report on SORNA, Jurisdictional Adoption Trends.
Presented by Tod Story, ACLU
Mr. Story reported on the compliance trends of States across the country. Mr. Story read his Report on Sex Offender Registration and Notification Act (SORNA) Jurisdictional Adoption Trends. *See*, Attachment Two (2). Mr. Story urged the committee to recommend appealing AB579.

Question by Scott Shick:
Mr. Shick inquired about Mr. Story's mention of the juvenile adjustments that were not brought before the House, and asked what those specific adjustments were.

Response by Tod Story:
Congressman Sensenbrenner's reauthorization language stated he wanted to give the States the flexibility to reduce the notification requirements for juveniles.

Question by Keith Munro:
Mr. Munro asked Mr. Story his opinion of why Congress passed the Adam Walsh Act.

Response by Tod Story:
It was Mr. Story's understanding is that while states had systems in place already, Congress was seeking to standardize systems across the country so that states could report that information to one another, and give them the ability to track sex offenders across state lines.

Question by Keith Munro:
Mr. Munro inquired when the Federal Adam Walsh Law was passed, and if agencies are enforcing this law regarding federal crimes. Additionally, if he was aware of any federal court that has overturned this federal law as it applies to federal agencies

Response by Tod Story:
Mr. Story confirmed that this law was being enforced on the federal level, that the original Adam Walsh Act was passed in 2006, and he was not aware of any federal court that has overturned this law.

Question by Keith Munro:
Mr. Munro inquired if there were any requirements more ripe than others in AB579 that Nevada should consider deviating from.

Response by Tod Story:
Mr. Story stated that first and foremost he would like to see the juvenile provisions repealed.

Question by Keith Munro:
Mr. Munro inquired about the four million dollar cost mentioned in Mr. Story's report for Nevada to retain compliance, and where did Mr. Story obtain this cost.

Response by Tod Story:
Mr. Story stated this figure came from National Council of State Legislatures, that this is their estimation on the cost for Nevada to obtain and maintain compliance.

Question by Keith Munro:
Mr. Munro stated that prior to the Adam Walsh Act there was a requirement for registration. AB579 is a more frequent and in person registration. Mr. Munro inquired if any contact had been made with local law enforcement to see if the more frequent and in person registration is a substantial increased cost for those agencies. Mr. Munro stated that the reason for this question is that when AB579 was presented he was not aware of any fiscal notes.

Response by Tod Story:
Mr. Story stated that the Department of Public Safety, Parole and Probation Records and Technology submitted a fiscal note on AB579 for the 2007-2008 fiscal years they had estimated $165,000, for fiscal year 2008-2009 they had estimated $161,000, and on future biennia $323,000.

Question from Keith Munro:
Mr. Munro asked if that fiscal note made it to a hearing, or was that fiscal note withdrawn because there was federal grant money available for implementation.

Response by Tod Story:
Mr. Story stated that he did not know, the fiscal note information was attached to his paperwork.

Comment from Michele Fiore:
Ms. Fiore stated that to her it is quite disturbing as a Legislator to not fully be able to make our own state laws instead of constantly complying with federal laws. She believes that AB579 needs consideration, and that the State needs more control as a State vs. strictly complying with federal law just for funding.

Statement by Brett Kandt:
Mr. Kandt stated he wanted to clarify for the record that for the last two sessions Assemblyman Hambrick has submitted a bill to address the juvenile portion of Nevada's SORNA implementation. However, he does not believe it ever got a hearing.

Question by Susan Roske:
Ms. Roske inquired if it was true that because AB579 is retroactive back to 1956, that there is a huge number of individuals that were classified as Tier One (1) that would be re-classified as Tier Two (2) or Tier Three (3). This would be a burden on the registration office because of the more frequent registrations.

Response by Tod Story:
Mr. Story stated that this was correct.

Agenda item #7:
Letters to Senator Richard Segerblom and Assemblywoman Michele Fiore, dated February 19, 2014, regarding implementation of AB579.
Presented by Keith Munro, Assistant Attorney General

Mr. Munro stated that the Attorney General received two (2) letters, one from Richard Segerblom and one from Assemblywoman Michele Fiore, requesting that there be a stay regarding AB579. Subsequent to those letters, the Nevada Supreme Court issued a Stay. There are some procedural motions pending

before the Nevada Supreme Court. Mr. Munro asked Assemblywoman Fiore if she wished to speak to the committee.

Statement by Michele Fiore:
Ms. Fiore stated that a large concern was the retroactive portion of AB579. She stated that she did not feel AB579 was fitting or appropriate for the State of Nevada. She feels that Nevada has very intelligent Legislators and Judges that could bring forth in the next legislative session more comprehensive guidelines than what is contained in AB579.

Question by Donna Coleman:
It is her understanding that the Attorney General's Office does not have the power to not implement AB579 if there is no stay. Therefore, should the stay be removed, what discretion the AG's Office has as far as implementing the law.

Response by Keith Munro:
Mr. Munro stated that the Attorney General's Office were lawyers and not a part of the process in the registration or community notification of sex offenders. The Attorney General's Office provides advice.

Question by Donna Coleman:
Ms. Coleman asked the timing for the implementation of AB579, should the stay be removed. Specifically, if there is time to get before the legislature prior to implementation, and is the Attorney General's Office charged with implementing the law.

Response by Keith Munro:
Mr. Munro stated that the Attorney General's Office is not the implementers.

Question by Donna Coleman:
Ms. Coleman inquired what the next step is after the stay is lifted.

Response by Keith Munro:
Mr. Munro stated that he is not sure how long it will take for the Nevada Supreme Court to rule on this matter. The stay is upon an extraordinary writ, there is a procedural question that has been presented by the Nevada Supreme Court, however he does suspect that after the ruling there may be some discussion regarding the particulars of the law. Attorney Maggie McLetchie has submitted a comprehensive brief challenging Adam Walsh on multiple legal theories, and he stated he suspected there may be some consideration of those issues. Once this is decided, the State Agencies would need an opportunity to ramp up and start engaging in the process. He does not have a specific timeline.

Statement by Donna Coleman:
Ms. Coleman's concern is that the bell can't "un-rung". Once the juveniles are on the website, taking them off the website at a later date will not be of much help.

Statement by Brett Kandt:
Mr. Kandt stated that the entities that are responsible for carrying out and administering these laws are not standing idle. The Department of Public Safety and the local law enforcement agencies are preparing a game plan for implementation of AB579.

Statement by Scott Shick:
Mr. Shick stated that there have been stays prior the current stay issued by the Nevada Supreme Court. The local law enforcement has prepared and is ready to implement AB579. The law enforcement agencies are mandated to comply with state statues.

Statement by Tod Story:
Mr. Story reiterated Ms. Coleman's concern regarding the implementation of AB579. If the stay is lifted and the law is implemented prior to this committee being able to make recommendations to the legislature, or advise the legislature, the bell can't be un-rung. Once the juveniles have been placed on the website, the damage has been done. Mr. Story urged the committee to send a message to the Legislature regarding this issue.

Statement by Susan Roske:
Ms. Roske stated that Legislators are currently putting bill drafts together. She feels that any recommendations the committee can or wants to make to the Legislature needs to be done now rather than wait until January.

Statement by Keith Munro:
Mr. Munro asked Ms. Roske if she had a recommendation regarding any changes to AB579 she would like to bring to the next meeting.

Statement by Michelle Fiore:
Ms. Fiore stated that as a Legislator she would place a hold on a bill and put in a draft and a place holder in a bill regarding amendments or possible repeal of AB579.

Agenda item #8:
Public Comment:

Mr. Munro called for public comment.

Public Comment in Carson City:

Wesley Goetz:
Mr. Goetz stated he was a registered sex offender, and that he received a letter in February stating he was going to become a Tier Three (3) sex offender. Mr. Goetz reported that he had made an inquiry with his parole officer and the sheriff's office regarding who was going to canvas his neighborhood within a ten block radius to inform his neighbors of his sex offender status. Mr. Goetz reported that his parole officer stated it was not his responsibility, and that the sheriff's office stated it was not their responsibility, although they might take on the job. A detective visited his home and informed Mr. Goetz that it was his responsibility to inform his neighbors of his sex offender status. Mr. Goetz stated that since he had not been in trouble for almost eighteen (18) years he did not feel it was correct to subject him to the Tier Three (3) requirements. It is his understanding that offenders back to 1956 will be re-tiered and subjected to the same notification requirements. He feels this is scare tactics.

Last July Mr. Goetz reported a parole officer came to his workplace and informed Mr. Goetz that the South Lake Tahoe Police Department had put out a news release on him. The parole officer informed Mr. Goetz that they had nothing to do with the news release and that they were attempting to stop the news release. It is Mr. Goetz's opinion that the South Lake Tahoe Police Lieutenant responsible for the news release was attempting to promote his abilities to protect the public from an out of state sex offender. Mr. Goetz stated he has a travel permit that allows him to travel to California for his employment. Mr. Goetz reported his efforts and difficulties in obtaining business licenses in the various counties around Lake Tahoe. It was in the process of obtaining business licenses that the South Lake Tahoe Police Lieutenant obtained information regarding Mr. Goetz and issued false reports regarding Mr. Goetz's activities. A retraction was made, however, this false information and his photograph had been broadcast in various newspapers and television reports in the area and the damage had been done. He feels this was also a scare tactic.

Additionally, Mr. Goetz feels that the Adam Walsh Act is a scare tactic. He will now have to register and have his photograph taken four (4) times per year instead of his current one (1) time per year requirement. He does not understand how the frequency of this registration is going to keep the public safer. Mr. Goetz feels that to keep the public safer, better sex offender treatment needs to be offered to prisoners including using competent licensed physiologists. Mr. Goetz stated that it was his understanding that currently there are approximately three hundred (300) Tier Three (3) registered sex offenders in Nevada. With the implementation of AB579, that number will increase to approximately three thousand (3000) registered sex offenders. Mr. Goetz feels that the resources used regarding increased responsibility and cost could be better utilized for treatment to reduce re-offenses. Mr. Goetz stated that he understands Parole Board Chairman Connie Bisbee has received a report stating that Nevada's Tier

rating system is obsolete. He feels that funds should be directed towards improvement of this rating system, including the offender's ability to reduce his tier level with work and good behavior.

Mr. Goetz stated that the Adam Walsh Act was adopted by Nevada in 2007, now seven years later and it still has not been implemented. Mr. Goetz feels that this is an indicator of the problems with this bad bill and a waste of tax payer's money. He feels that AB579 should be repealed and money funneled to the treatment of sex offenders.

Public Comment in Las Vegas: None

Additional Statement by Susan Roske:
Ms. Roske stated that she would like an action item placed on the next meeting agenda regarding the committee's recommendation to the change to NRS 62F.220 addressed earlier. Ms. Roske stated that the public comment from Mr. Goetz is a tragic example of the harms to the public from this bad legislation.

Mr. Munro called for additional public comment, none was given. The meeting was adjourned by Keith Munro at 11:19 am.

Minutes respectfully submitted by Jan Riherd.

ATTACHMENT ONE (1)
May 1, 2014 Minutes

Advisory Committee to Study Laws Concerning
Sex Offender Registration

ATTACHMENT ONE (1)
May 1, 2014 Minutes

Judicial District	Number of Youth on Probation for Sex Offence	Number of Evaluations Conducted	Total Cost of Evaluations
1rst Judicial District Carson City/Storey County	2 youth	2 evaluations	$900.00
2nd Judicial District Washoe County	34	29	$20,890.00
3rd Judicial District Lyon County	3 youth	3 Evaluations	$900.00
4th Judicial District Elko County	0	0	0
5th Judicial District Esmeralda/Nye County	4	4	$1600.00
6th Judicial District Humboldt, Lander, Pershing County	0	0	0
7th Judicial District White Pine, Eureka, Lincoln	0	0	0
8th Judicial District Clark County	381	40	$23,450.00
9th Judicial District Douglas County	0	0	0
10th Judicial District Churchill County	3	3	$1800.00
Nevada Youth Parole	9	9	$5386.00
Totals	436	90	$54,926

Juvenile Sex Offender Cases for 2013

3-4-14

Scott Shick
Nevada Association Juvenile Justice Administrators

ATTACHMENT TWO (2)
May 1, 2014 Minutes

Advisory Committee to Study Laws Concerning
Sex Offender Registration

ATTACHMENT TWO (2)
May 1, 2014 Minutes

Report on Sex Offender Registration and Notification Act (SORNA): Jurisdictional Adoption Trends

Tod Story, executive director, ACLU of Nevada

"States are very sympathetic to the need to supervise and penalize registered sex offenders. There's no softness on that population... But any time you're going to be collecting and cataloging information on more people more often; that comes at a high cost. The question is whether it's worth it."

Susan Frederick, federal affairs counsel
National Conference of State Legislatures
(CNN, July 28, 2011)

Christian Adamek, a 15 year old from Hunstville, Alabama, was arrested by local police on September 27, 2013, following an adolescent stunt of streaking naked across the field during a high school football game. Most laughed off the incident as the videos circulated on social media. A few days later, Christian learned that he would be charged with indecent exposure and almost certainly convicted due to the number of witnesses and video. In Alabama, the conviction would mean that Christian would be placed on the state's sex offender registry, possibly for the rest of his life. On October 2, Christian's mother found her son hanged and clinging to life; he died from his injuries the following day. if Christian hadn't made the tragic decision to end his life, the shame of being a convicted sex offender would plague his life well into the future. In Alabama, Christian's full name, address, employer, photograph, vehicle description, license plate number, and other information would appear on a public website and automatically be sent out to law enforcement, schools, volunteer organizations, and available to the public. The tragedy of this situation illustrates the harm to juvenile offenders, when community notification requirements are imposed on states.

If the goal of SORNA, was standardizing state statutes to track sex offenders across the country, then it has been woefully ineffective. To date, only 17 states have passed laws which "substantially implement" SORNA, leaving 33 states either unable or unwilling to comply with the requirements of SORNA. What was initially planned to be a "one size fits all" approach to tracking and reporting sex offender's, has degenerated into a no size fits for 33 states, and a compliance smorgasbord for the 17 states found to have "substantially implemented" SORNA.

According to PEW's Stateline, October 1, 2012 report, "...five states — Arizona, Arkansas, California, Nebraska and Texas — are simply saying "no" to the Adam Walsh Act, at least for now. They have neither complied with the law's requirements nor applied to use their justice assistance grants to come into compliance. They have elected to forfeit 10 percent of their justice assistance funding for the coming year."

The State of New York informed the U. S. Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART) office that the State is capable of handling sexual predators on their

own, stating, "New York believes that our present laws and risk assessment method provide our citizens with effective protection against sexual predators." (*NY Director, Office of Sex Offender Management in a letter to SMART Office. August 23, 2011*)

So why did Nevada rush to pass legislation to comply with the Adam Walsh Act? According to the Nevada Supreme Court:

> ... it does not appear from the legislative history that the Nevada Legislature ever considered the impact of [AB 579] on juveniles or public safety. The body's motivation for passing the bill appears to be compliance with the Walsh Act and avoidance of the reduction in grant monies that would come with noncompliance. Hearing on A.B. 579 Before the Assembly Select Comm. on Corrections, Parole, and Probation, 74th Leg. (Nev., April 10, 2007).
>
> State v. Eighth Judicial Dist. Court ("Logan"), 306 P.3d 369, 376 (Nev. 2013).

If loss of federal funding overshadowed public safety, civil rights, and cost considerations, then we have an obligation to pause and determine if AB 579 was a mistake made in haste. If financial motivation was not a factor, then we still must question why Nevada rushed to meet the compliance deadline of SORNA with little evidence of established best practices.

Despite receiving a "substantially implemented" finding by the Department of Justice in 2011, Nevada's efforts to implement SORNA have been blocked by legal challenges to AB 579—raising questions about the law, its effectiveness, and constitutionality. Earlier this year, the Nevada Supreme Court stayed AB 579, blocking further implementation. Nevada should take this opportunity to more carefully weigh the costs and benefits of SORNA compliance.

The General Accounting Office (GAO) sought to understand why so many states were not implementing SORNA, in February 2013, they reported to Congress:

> For those jurisdictions that the office determined to have substantially implemented SORNA, we identified areas where the office has allowed for flexibility in meeting the act's requirements. According to the SMART Office, even though these jurisdictions have "substantially implemented" the act, not all of them have "fully implemented" the law given that most of these jurisdictions still deviate from certain requirements—that is, the jurisdiction does not exactly follow the act or the guidelines in all respects.
>
> *GAO February 2013 Report: SORNA Jurisdictions Face Challenges to Implementing the Act, and Stokeholders Report Positive and Negative Effects*

Why is there so much deviation from the Act's original intent and guidelines? Why have so few states seeking to implement SORNA, actually been found to have "substantially implemented" the requirements of SORNA? These questions create a disturbing pattern in state implementation that we must consider before proceeding further.

Additionally, GAO found that some of the most common challenges given for not implementing SORNA were: "Reconciling conflicts between state laws and SORNA; Applying the requirements retroactively; Covering the costs associated with implementation of SORNA; and Applying the juvenile registration requirements."

"The most commonly cited barrier to SORNA compliance was **the act's juvenile registration and reporting requirements, cited by 23 states**," according to the SEARCH, April, 2009 Survey on State Compliance. (Emphasis added)

In 2012, the House passed H.R. 3796, to reauthorize the Adam Walsh Act. Congressman Jim Sensenbrenner—the author of the Adam Walsh Act—admitted there were problems with the act's treatment of juveniles when he said, "The reauthorization also incorporates solutions to some of the states' concerns regarding juvenile sex offenders." Unfortunately for juveniles, the Senate never voted on the reauthorization.

My purpose in presenting the information about other state's choices to comply or not comply is to urge this committee, and the agencies responsible for implementing and enforcing the law, to pause before proceeding. We must take into account the reasons why other jurisdictions have refused to comply, or in some instances, have chosen to only partially comply, and still been found to have "substantially implemented" SORNA by the SMART Office. We must ask ourselves, what was the rush in 2007? Were we afraid we would be penalized the 10% reduction in our Byrne Grant funding? What sense is there in spending over $4 million dollars in State money to retain approximately $200,000 in federal dollars? We are actively pursuing implementation of an unfunded mandate from Congress. By seeking SORNA compliance we are required to spend Nevada tax payer dollars to fund a punitive, ineffective, tier-based system that focuses on convictions, rather than a risk-assessment model that focuses on preventing future crimes-- a fiscal, safety, and policy burden many other states have simply chosen not to bear.

I close with the words of Andrea Casanova, Founding Director of the ALLY Foundation:

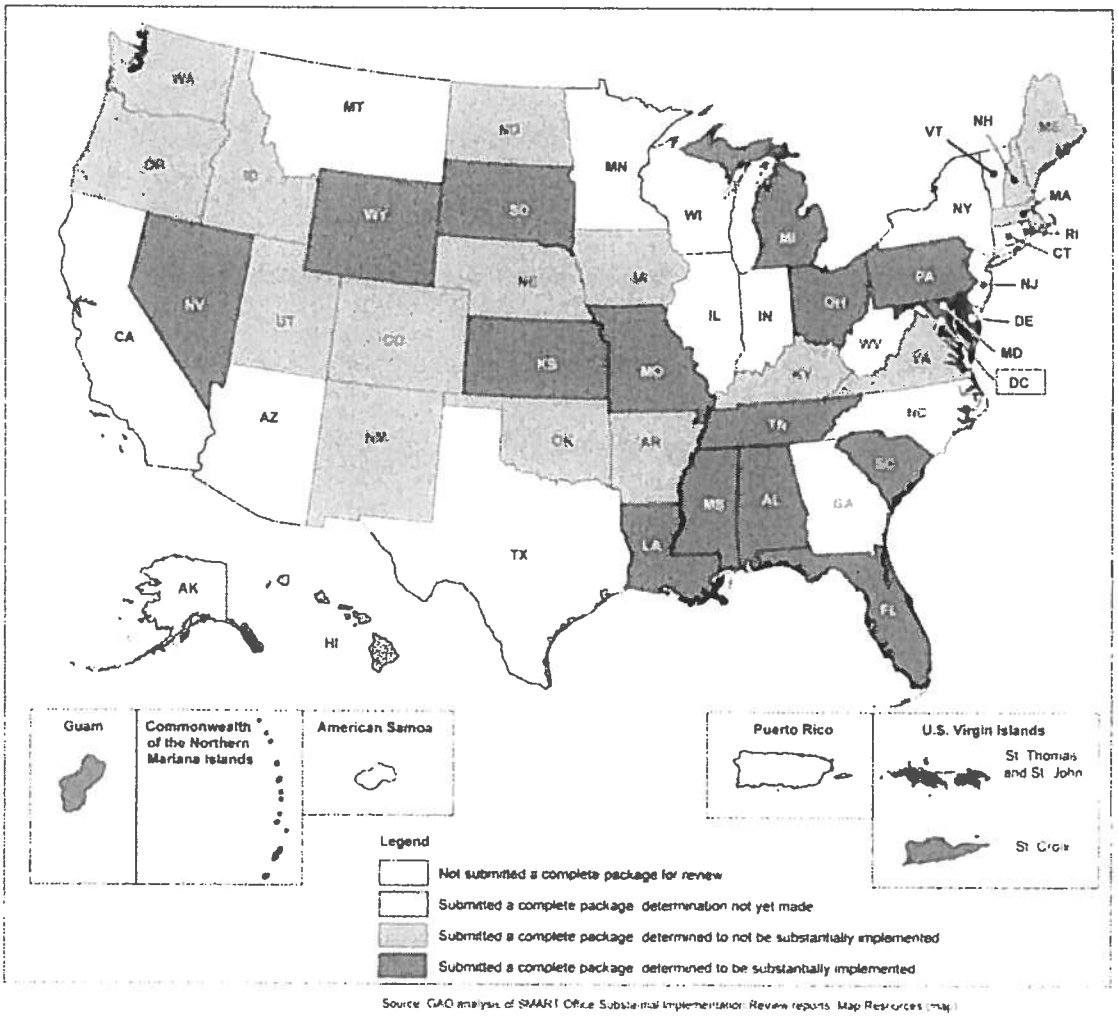
> Should you think that I am soft on violent and sexual crime, let me assure you that there is a dark painful part of my soul that wants people who hurt other people to never take another comfortable breath. However let us be intelligent. Given that we are a society of law, let us demand that the laws we do enact achieve their intended mission. Let us stop creating a false sense of security and wasting our precious resources on laws that simply do not work.

Alabama, Delaware, Florida, Kansas, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee and Wyoming, and the United States territory of Guam, the Commonwealth of Northern Mariana Islands and the U.S. Virgin Islands have been found by the SMART office to be in compliance.

National Conference of State Legislatures
(http://www.ncsl.org/research/civil-and-criminal-justice/adam-walsh-child-protection-and-safety-act.aspx)

(Colorado has been found compliant since this report)

Figure 1: Status of Substantial Implementation of the Sex Offender Registration and Notification Act, as of November 2012



Source: GAO analysis of SMART Office Substantial Implementation Review reports. Map Resources (map)