

## **MEETING MINUTES**

**Organization:** Advisory Committee to Study Laws Concerning Sex Offender Registration

**Date:** October 2, 2018

**Meeting Location:** Legislative Counsel Bureau  
555 E. Washington Ave.  
Las Vegas, Nevada  
89101 Conference Room  
#4412

**Video Teleconferenced:** Legislative Counsel Bureau  
401 S. Carson St.  
Carson City, Nevada 89701  
Conference Room #2135

### **Committee Attendees:**

Caroline Bateman, Assemblywoman Sandra Jauregui, Senator Nicole Cannizzaro, Jo Lee Wickes, Jennifer Schwartz, Tod Story, Elizabeth Neighbors, Donna Coleman

### **October 2, 2018 Presenters:**

Katie Brady

### **Members of the Public who Signed in as Present:**

Alanna Bondy, Esq.  
David Keene, Senior Deputy Attorney General  
Wes Goetz

### **Agenda item #1 – Call to Order and Roll Call:**

The meeting was called to order at 9:05 a.m. by Attorney General Adam Laxalt's designee, Caroline Bateman, Bureau Chief. Ms. Bateman started the meeting by taking roll; the above members of the committee were present.

### **Agenda item #2 – Public Comment:**

Ms. Bateman called for public comment.

#### **Public Comment in Carson City:**

Wesley Goetz: Mr. Goetz expressed his disapproval of the Adam Walsh Act. As a tier 2 sex offender, he was previously required to register once a year. Now that the Adam Walsh Act is in effect, he must register four times a year. Mr. Goetz expressed his concerns that registration reminder notifications are no longer being sent in the mail, which he described as entrapment as it is likely possible that he may forget to register in the future. Furthermore, Mr. Goetz has been unable to register in Incline Village and must travel to Reno each year as the Sheriff in Incline Village is unable to process sex offender registrations. Subsequently, Mr. Goetz requested a contact list of all committee members and asked to be notified of future meetings. Mr. Goetz further expressed his disapproval of the Adam Walsh Act requiring people to register when they have not re-offended in 40 to 50 years. He expressed that it is unconstitutional to make people register as sex offenders and label them as dangers to society when they have not re-offended. Mr. Goetz read a statement on behalf of Mercedes of the Nevada Silver Haired Legislative Forum. Mercedes did not receive materials for today's meeting, including names of the committee members and their contact information, which she requested yesterday, October 1. Through Mr. Goetz, Mercedes expressed her frustrations with the SORNA law.

Ms. Bateman informed Mr. Goetz that his time was up. Ms. Bateman provided Mr. Goetz with the contact information for the committee's executive assistant to obtain supporting materials and to be notified of future meetings. Ms. Bateman also confirmed that the requested documents were sent previously to Mercedes yesterday afternoon and resent again this morning.

Ms. Bateman called for additional public comment in Carson City. None was given.

Public Comment in Las Vegas: None.

Prior to moving to agenda item #3, and at the request of the Legislative Counsel Bureau, Ms. Bateman discussed the microphone etiquettes for members of the committee.

**Agenda item #3 – Approve April 9, 2018 Meeting Minutes:**

Ms. Bateman acknowledged that she was not present at the April 9, 2018 meeting and abstained from voting. Donna Coleman made a motion to approve the minutes. Jo Lee Wickes seconded the motion. The motion passed unanimously and the minutes of the April 9, 2018 meeting were approved.

**Agenda item #4 - Presentation:**

Deputy Attorney General Katie Brady presented an update on the current status of the Adam Walsh Act Litigation. The Adam Walsh Act is currently in affect as law in this state. As of October 1, 2018, the Department of Public Safety implemented the Adam Walsh Act. The DPS website was updated along with notifications and registration requirements. Currently, there is no outstanding litigation challenging the constitutionality of the Adam Walsh Act; however, it is anticipated that challenges to the Adam Walsh Act to discrete provisions of the act will continue.

Ms. Bateman opened the discussion on the agenda item. No discussion.

**Agenda item #5 - Presentation:**

Deputy Attorney General Katie Brady presented on the current status of the Sex Offender Registration and Notification Act (SORNA) in other jurisdictions. Ms. Brady discussed The SORNA State and Territory Implementation Progress Check handout, which provided the current status of substantial implementation in jurisdictions across the United States. As of now, there are 18 states, 108 tribes, and 4 territories that have implemented the Adam Walsh Act. Subsequently, the Sex Offender Registration and Notification Laws have been challenged in a number of cases generating a substantial amount of litigation and case law and varying degrees of compliance with the Adam Walsh Act. One of the first issues to be litigated was whether a sex offender who had been convicted prior to the enactment of registration and notification laws would be required to register as a sex offender. In 2003, under *Smith v. Doe*, the US Supreme Court ruled that registration and notification were not punitive and thus, could be retroactively applied as a regulatory action. Ms. Brady noted that *Smith v. Doe* continues to be the law of the land except in the Sixth Circuit, which held that Michigan's SORNA implementing law was punitive and could not be applied retroactively. This is not the law of Nevada or any other circuit in the country. The vast majority of constitutional challenges to the sex offender registration and notification requirements are unsuccessful. At least 13 states have upheld them as being constitutional. The majority of states that have enacted the Adam Walsh Act have found that it is constitutional and have remained in compliance with the act.

Question by Tod Story:

Mr. Story asked what accounted for the lack of majority compliance throughout the 50 states.

Response by Ms. Brady:

Ms. Brady noted that quite a few states use the preceding acts such as the Wetterling Act, Megan's Law, or some variation thereof. The SORNA handout provides information on each state and their areas of compliance.

Follow-up Question by Tod Story:

Mr. Story asked if there was a sense of why states chose not to comply.

Response by Ms. Brady:

Ms. Brady stated that she did not know the answer to that question. The Adam Walsh Act was adopted federally in 2006 and by the state in 2007. She suggested that there may be different political decisions as to whether or not the state had the infrastructure to support the Adam Walsh Act, but the reasons may vary from state to state.

Follow-up Question by Tod Story:

Mr. Story asked if there is a sense of how much it will cost to comply.

Response by Ms. Brady:

Ms. Brady stated that she did not know the answer. The bulk of compliance rests on the local sheriff's offices. There is a financial impact to the Department of Public Safety, so that question would need to be directed to them.

No further discussion.

**Agenda item #6 – Topics for Future Meetings:**

Ms. Bateman acknowledged Tod Story's request for a report from each of the local jurisdictions as to the cost of compliance of the Adam Walsh Act.

Ms. Bateman further requested that Ms. McVay from the Department of Public Safety appear at the next meeting to answer any questions regarding the cost of compliance of the Adam Walsh Act.

Ms. Bateman announced that Judge William Voy will be invited to speak at the next meeting regarding recidivism regarding juvenile sex offenders.

Jennifer Schwartz requested that information be provided as to why Nevada is no longer sending out annual notifications as part of the Adam Walsh act and why certain local sheriff offices are unable to process sex offender registrations.

**Agenda item #7 – Public Comment:**

Ms. Bateman called for public comment.

Public Comment in Carson City:

Wesley Goetz: Mr. Goetz expressed his disapproval of having his fingerprints and picture taken regularly as part of the Adam Walsh Act. His driver's license contains his picture and home address, which he suggested is enough proof. Mr. Goetz stated that the Adam Walsh Act is only good if sex offenders are homeless as it is harder to keep track of them. Mr. Goetz further stated that Nevada sex offenders are not re-offending. Subsequently, he disputed that the committee studies laws concerning sex offenders. He suggested that the committee should study how much sex offenders reoffend when provided treatment. He stated that studying only the Adam Walsh act was useless. Mr. Goetz requested a copy of the April 9, 2018 meeting minutes. Ms. Bateman advised Mr. Goetz that he can obtain a copy by accessing the Attorney General's website, contacting the committee's executive assistant, or asking the receptionist at the Attorney General's office in Carson City.

Mr. Goetz inquired about the purpose of the committee. Ms. Bateman responded that the committee studies sex offender legislation, which was why the focus of the current meeting was the Adam Walsh Act.

Ms. Bateman called for additional public comment in Carson City. None was given.

Public Comment in Las Vegas: None.

**Agenda item #8 – Adjournment:**

The meeting was adjourned by Ms. Bateman at 9:36 a.m.