

ATTACHMENT SIX (6)
November 14, 2012 Minutes

Advisory Committee to Study Laws Concerning
Sex Offender Registration

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Agenda Item 7

ASSEMBLY BILL NO. 326—ASSEMBLYMAN HAMBRICK

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Makes various changes to provisions governing juvenile sex offenders. (BDR 5-551)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

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

AN ACT relating to juvenile delinquents; revising the manner in which certain children who are adjudicated delinquent for certain acts are required to register as a juvenile sex offender; requiring the Attorney General to establish guidelines and procedures for community notification concerning juvenile sex offenders; revising which juvenile sex offenders may be subject to registration and community notification in the manner provided for adult sex offenders; requiring the juvenile court to retain jurisdiction over all children who are subject to registration and community notification as sex offenders and to determine when such children may be relieved of such requirements; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law provides that a child who is 14 years of age or older and who is
2 adjudicated delinquent for committing an act that would be a sexual offense if
3 committed by an adult is required to register as a sex offender in the same manner
4 as an adult and is subject to community notification. (NRS 62F.220) In addition,
5 existing law prohibits sealing records relating to a child while the child is subject to
6 registration and community notification as a juvenile sex offender. (NRS 62F.260)
7 **Section 23** of this bill repeals those provisions and instead, creates a new manner
8 for determining when a child who is adjudicated delinquent for committing an act
9 that would be a sexual offense if committed by an adult is required to comply with
10 the requirements for registration and community notification established within the
11 juvenile justice system and when such a child is required to comply with the



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12 requirements for registration and community notification applicable to adult sex
13 offenders.

14 **Section 7** of this bill provides that a child who is adjudicated delinquent for
15 committing an act that makes the child subject to registration and community
16 notification as a juvenile sex offender is not subject to the provisions applicable to
17 juvenile sex offenders if the child is required to comply with the provisions
18 governing registration and community notification for adult sex offenders.

19 **Section 8** of this bill requires the juvenile court to notify the Attorney General
20 when a child is adjudicated delinquent for: (a) an unlawful act that would have been
21 a sexual offense if committed by an adult; or (b) a sexually motivated act, so that an
22 assessment may be conducted of the risk of recidivism of the child. **Section 8**
23 further requires the child to remain under the supervision of a probation or parole
24 officer for at least 3 years and requires the child or a parent or guardian of the child
25 to inform the officer assigned to the child within 48 hours if the child changes his
26 or her residence. **Section 8** also requires certain information about registration and
27 community notification to be provided to the child and the parent or guardian of the
28 child and provides that the juvenile court will retain jurisdiction over the child until
29 the child is no longer subject to community notification as a juvenile sex offender.

30 **Section 9** of this bill requires notification to be provided to a law enforcement
31 agency when a child is subject to community notification as a juvenile sex offender
32 and when such a child changes his or her residence. **Section 10** of this bill allows a
33 juvenile court to hold a hearing at any appropriate time to determine whether to
34 relieve a child who has been adjudicated delinquent for a sexual offense or sexually
35 motivated act from community notification as a juvenile sex offender. **Section 11**
36 of this bill authorizes the juvenile court to relieve a child from the requirement for
37 community notification when the child reaches 21 years of age if the child has not
38 yet been so relieved. If the juvenile court determines that the child has not been
39 rehabilitated or poses a threat to the safety of others, the juvenile court may instead
40 deem the child an adult sex offender subject to registration and community
41 notification in the manner provided for adult sex offenders. **Section 12** of this bill
42 provides that the records of a juvenile sex offender are not to be sealed while the
43 child is subject to community notification.

44 **Section 13** of this bill requires the Attorney General to establish guidelines and
45 procedures for registration and community notification concerning those juvenile
46 sex offenders who are not subject to community notification in the manner
47 provided for adult sex offenders.

48 **Section 14** of this bill allows a district attorney to request that the juvenile court
49 conduct a separate hearing to determine whether a child who is at least 14 years of
50 age and who is adjudicated delinquent for committing certain acts that would be a
51 sexual offense if committed by an adult to determine whether the child is a violent
52 or repetitive juvenile sex offender. To bring such a request, the district attorney
53 must comply with certain notice requirements and prove by clear and convincing
54 evidence that the child committed the underlying act and that the act was
55 committed in a certain manner or that the child had previously been adjudicated
56 delinquent for committing one or more of certain offenses. If a child is adjudicated
57 as a violent or repetitive juvenile sex offender, **section 14** provides that the child
58 will be subject to registration and community notification in the manner provided
59 for adult sex offenders, except that the juvenile court may determine whether to
60 include the child on the community notification website of the Central Repository
61 for Nevada Records of Criminal History.

62 **Section 15** of this bill provides the manner in which a child who is deemed an
63 adult sex offender and a child who is adjudicated as a violent or repetitive juvenile
64 sex offender may petition to be relieved of the duty to comply with the
65 requirements for registration and community notification. **Sections 11 and 14** of
66 this bill require the juvenile court to retain jurisdiction over such a child until he or



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67 she is relieved from the requirements for registration and community notification.
68 **Section 15** requires the petition to be filed with the juvenile court, and the juvenile
69 court may only grant the petition if the petitioner proves by clear and convincing
70 evidence that the petitioner has been rehabilitated and is not likely to pose a threat
71 to the safety of others.

72 **Sections 18-20** of this bill revise the existing definitions of "convicted,"
73 "offender convicted of a crime against a child" or "offender," and "sex offender" to
74 limit prospectively the children who are included within the definitions to children
75 who are deemed adult sex offenders pursuant to **section 11** and children
76 adjudicated as violent or repetitive juvenile sex offenders pursuant to **section 14** as
77 those are the only children who may be required under this bill to comply with the
78 requirements for registration and community notification that are applicable to
79 adult sex offenders. **Section 21** of this bill revises provisions relating to the
80 requirements for registration of sex offenders to include children who are deemed
81 adult sex offenders and children who are adjudicated as violent or repetitive
82 juvenile sex offenders. **Section 22** of this bill removes those children from
83 provisions relating to reducing the period during which an offender must register
84 because, pursuant to **section 15**, those children are required to apply to the juvenile
85 court to be relieved from such requirements.

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

1 **Section 1.** NRS 62A.030 is hereby amended to read as
2 follows:

3 62A.030 1. "Child" means:
4 (a) A person who is less than 18 years of age;
5 (b) A person who is less than 21 years of age and subject to the
6 jurisdiction of the juvenile court for an unlawful act that was
7 committed before the person reached 18 years of age; or
8 (c) A person who is otherwise subject to the jurisdiction of the
9 juvenile court as a juvenile sex offender pursuant to the provisions
10 of ~~{NRS 62F.200, 62F.220 and 62F.260.}~~ **sections 4 to 15,**
11 **inclusive, of this act.**

12 2. The term does not include:
13 (a) A person who is excluded from the jurisdiction of the
14 juvenile court pursuant to NRS 62B.330;
15 (b) A person who is transferred to the district court for criminal
16 proceedings as an adult pursuant to NRS 62B.335; or
17 (c) A person who is certified for criminal proceedings as an
18 adult pursuant to NRS 62B.390 or 62B.400.

19 **Sec. 2.** NRS 62B.410 is hereby amended to read as follows:
20 62B.410 Except as otherwise provided in NRS 62F.110 and
21 ~~{62F.220.}~~ **sections 8, 11 and 14 of this act,** if a child is subject to
22 the jurisdiction of the juvenile court, the juvenile court:

23 1. May terminate its jurisdiction concerning the child at any
24 time, either on its own volition or for good cause shown; or



1 2. May retain jurisdiction over the child until the child reaches
2 21 years of age.

3 **Sec. 3.** Chapter 62F of NRS is hereby amended by adding
4 thereto to the provisions set forth as sections 4 to 15, inclusive, of
5 this act.

6 **Sec. 4.** *As used in sections 4 to 15, inclusive, of this act,*
7 *unless the context otherwise requires, the words and terms defined*
8 *in sections 5 and 6 of this act have the meanings ascribed to them*
9 *in those sections.*

10 **Sec. 5.** *"Community notification" means notification of a*
11 *community pursuant to the guidelines and procedures established*
12 *by the Attorney General for juvenile sex offenders pursuant to*
13 *section 13 of this act or notification of a community pursuant to*
14 *NRS 179D.475, as applicable.*

15 **Sec. 6.** *"Sexual offense" means:*

16 1. *Sexual assault pursuant to NRS 200.366;*

17 2. *Battery with intent to commit sexual assault pursuant to*
18 *NRS 200.400;*

19 3. *An offense involving pornography and a minor pursuant to*
20 *NRS 200.710 or 200.720;*

21 4. *Lewdness with a child pursuant to NRS 201.230; or*

22 5. *An attempt to commit an offense listed in this section.*

23 **Sec. 7.** *Except as otherwise provided in subsection 2 of*
24 *section 12 and section 14 of this act, the provisions of sections 8 to*
25 *13, inclusive, of this act do not apply to:*

26 1. *A child who is deemed an adult sex offender pursuant to*
27 *section 11 of this act; or*

28 2. *A child who is adjudicated as a violent or repetitive*
29 *juvenile sex offender pursuant to section 14 of this act.*

30 **Sec. 8.** 1. *In addition to any other action authorized or*
31 *required pursuant to the provisions of this title, if a child is*
32 *adjudicated delinquent for an unlawful act that would have been a*
33 *sexual offense if committed by an adult or is adjudicated*
34 *delinquent for a sexually motivated act, the juvenile court shall:*

35 (a) *Notify the Attorney General of the adjudication so that the*
36 *Attorney General may arrange for the assessment of the risk of*
37 *recidivism of the child pursuant to the guidelines and procedures*
38 *for community notification established pursuant to section 13 of*
39 *this act;*

40 (b) *Place the child under the supervision of a probation officer*
41 *or parole officer, as appropriate, for a period of not less than 3*
42 *years;*

43 (c) *Inform the child and the parent or guardian of the child*
44 *that the child is subject to community notification as a juvenile sex*
45 *offender and may be subject to registration and community*



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1 notification pursuant to NRS 179D.010 to 179D.550, inclusive, if
2 the child is deemed an adult sex offender pursuant to section 11 of
3 this act; and

4 (d) Order the child, and the parent or guardian of the child
5 during the minority of the child, while the child is subject to
6 community notification as a juvenile sex offender, to inform the
7 probation officer or parole officer, as appropriate, assigned to the
8 child of a change of the address at which the child resides not
9 later than 48 hours after the change of address.

10 2. The juvenile court may not terminate its jurisdiction over
11 the child for the purposes of carrying out the provisions of
12 sections 8 to 13, inclusive, of this act until the child is no longer
13 subject to community notification as a juvenile sex offender
14 pursuant to sections 8 to 13, inclusive, of this act.

15 Sec. 9. 1. If a child has been adjudicated delinquent for a
16 sexual offense or a sexually motivated act, the probation officer or
17 parole officer, as appropriate, assigned to the child shall notify the
18 local law enforcement agency in whose jurisdiction the child
19 resides that the child:

20 (a) Has been adjudicated delinquent for a sexual offense or a
21 sexually motivated act; and

22 (b) Is subject to community notification as a juvenile sex
23 offender.

24 2. If the probation officer or parole officer, as appropriate,
25 assigned to the child is informed by the child or the parent or
26 guardian of the child that the child has changed the address at
27 which the child resides or if the probation officer or parole officer
28 otherwise becomes aware of such a change, the probation officer
29 or parole officer shall notify:

30 (a) The local law enforcement agency in whose jurisdiction the
31 child last resided that the child has moved; and

32 (b) The local law enforcement agency in whose jurisdiction the
33 child is now residing that the child:

34 (1) Has been adjudicated delinquent for a sexual offense or
35 a sexually motivated act; and

36 (2) Is subject to community notification as a juvenile sex
37 offender.

38 Sec. 10. 1. If a child who has been adjudicated delinquent
39 for a sexual offense or a sexually motivated act has not previously
40 been relieved of being subject to community notification as a
41 juvenile sex offender, the juvenile court may, at any appropriate
42 time, hold a hearing to determine whether the child should be
43 relieved of being subject to community notification as a juvenile
44 sex offender.



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2. If the juvenile court determines at the hearing 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, the juvenile court may relieve the child of being subject to community notification as a juvenile sex offender.

Sec. 11. Except as otherwise provided in sections 8 to 13, inclusive, of this act:

1. If a child who has been adjudicated delinquent for a sexual offense or a sexually motivated act is not relieved of being subject to community notification as a juvenile sex offender before the child reaches 21 years of age, the juvenile court shall hold a hearing when the child reaches 21 years of age to determine whether the child should be deemed an adult sex offender for the purposes of registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

2. If the juvenile court determines at the hearing 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, the juvenile court shall relieve the child of being subject to community notification as a juvenile sex offender.

3. If the juvenile court determines at the hearing that the child has not been rehabilitated to the satisfaction of the juvenile court or that the child is likely to pose a threat to the safety of others, the juvenile court shall deem the child an adult sex offender who is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.

4. In determining at the hearing whether the child has been rehabilitated to the satisfaction of the juvenile court and whether the child is likely to pose a threat to the safety of others, the juvenile court shall consider the following factors:

(a) The number, date, nature and gravity of the act or acts committed by the child, including:

(1) Whether the act or acts were characterized by repetitive and compulsive behavior; and

(2) Whether the act or acts involved the use of a weapon, violence or infliction of serious bodily injury.

(b) The extent to which the child has received counseling, therapy or treatment, and the response of the child to any such counseling, therapy or treatment.

(c) Whether psychological or psychiatric profiles indicate a risk of recidivism.

(d) The behavior of the child while subject to the jurisdiction of the juvenile court, including, without limitation, the behavior of the child during any period of confinement.



1 (e) Whether the child has made any recent threats against a
2 person or expressed any intent to commit any crimes in the future.

3 (f) Any physical conditions that minimize the risk of
4 recidivism, including, without limitation, physical disability or
5 illness.

6 (g) Any other factor that the juvenile court finds relevant to
7 the determination of whether the child has been rehabilitated to
8 the satisfaction of the juvenile court and whether the child is likely
9 to pose a threat to the safety of others.

10 5. If a child is deemed an adult sex offender pursuant to this
11 section, the juvenile court shall notify the Central Repository so
12 that the Central Repository may carry out the provisions for
13 registration of the child as an adult sex offender pursuant to
14 NRS 179D.450.

15 6. The juvenile court may not terminate its jurisdiction over a
16 child who is deemed an adult sex offender pursuant to this section
17 until the child is relieved from the requirements for registration
18 and community notification as an adult sex offender pursuant to
19 section 15 of this act.

20 Sec. 12. 1. The records relating to a child must not be
21 sealed pursuant to the provisions of NRS 62H.100 to 62H.170,
22 inclusive, while the child is subject to community notification as a
23 juvenile sex offender.

24 2. If a child is deemed an adult sex offender pursuant to
25 section 11 of this act or is adjudicated as a violent or repetitive
26 juvenile sex offender pursuant to section 14 of this act:

27 (a) The records relating to the child must not be sealed
28 pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive;
29 and

30 (b) Each delinquent act committed by the child that would
31 have been a sexual offense as defined in NRS 179D.097 if
32 committed by an adult shall be deemed to be a criminal conviction
33 for the purposes of:

34 (1) Registration and community notification pursuant to
35 NRS 179D.010 to 179D.550, inclusive; and

36 (2) The statewide registry established within the Central
37 Repository pursuant to chapter 179B of NRS.

38 Sec. 13. 1. The Attorney General shall establish guidelines
39 and procedures for community notification concerning juvenile
40 sex offenders who are subject to the provisions of sections 8 to 13,
41 inclusive, of this act.

42 2. Upon receiving notification from a probation officer or
43 parole officer, as appropriate, assigned to a juvenile sex offender,
44 the local law enforcement agency receiving the notification shall
45 disclose information regarding the juvenile sex offender to the



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1 appropriate persons pursuant to the guidelines and procedures
2 established by the Attorney General pursuant to this section.

3 3. Each person who conducts an assessment of the risk of
4 recidivism of a juvenile sex offender must be given access to all
5 records of the juvenile sex offender that are necessary to conduct
6 the assessment, including, but not limited to, records compiled
7 pursuant to this title, and the juvenile sex offender shall be
8 deemed to have waived all rights of confidentiality and all
9 privileges relating to those records for the limited purpose of the
10 assessment.

11 Sec. 14. 1. The district attorney may request the juvenile
12 court to conduct a separate hearing to determine whether a child
13 is a violent or repetitive juvenile sex offender, but only if the child
14 is at least 14 years of age and the child is adjudicated delinquent
15 for:

16 (a) Sexual assault pursuant to NRS 200.366;

17 (b) Battery with intent to commit sexual assault pursuant to
18 NRS 200.400; or

19 (c) An attempt or conspiracy to commit an offense listed in
20 paragraph (a) or (b).

21 2. If the district attorney intends to make a request for a
22 separate hearing pursuant to subsection 1, the district attorney
23 must provide written notice to the child and the parent or guardian
24 of the child before the juvenile court accepts an admission of guilt
25 from the child or before the child has been adjudicated delinquent.
26 The written notice may be provided in a document served upon the
27 child or the attorney of the child or may be provided by reference
28 to the provisions of this section in the charging document. If the
29 written notice is provided in a separate document, a copy of the
30 written notice and proof of service must be filed with the juvenile
31 court. The written notice must:

32 (a) Inform the child that if the child is adjudicated delinquent
33 for committing an offense listed in subsection 1, a separate
34 hearing may be requested to determine whether the child is a
35 violent or repetitive juvenile sex offender; and

36 (b) Cite to this section as the authority for the request.

37 3. If proper notice has been provided pursuant to subsection
38 2, the juvenile court must conduct a separate hearing to determine
39 whether the child is a violent or repetitive juvenile sex offender
40 upon request of the district attorney. The juvenile court may
41 adjudicate a child as a violent or repetitive juvenile sex offender
42 only if the prosecuting attorney proves to the juvenile court by
43 clear and convincing evidence that the child committed an offense
44 listed in subsection 1 and that:



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1 (a) The offense committed by the juvenile sex offender
2 involved the use of force or a threat of serious violence upon the
3 victim;

4 (b) The juvenile sex offender caused substantial bodily harm
5 to the victim;

6 (c) The offense committed by the juvenile sex offender
7 involved rendering the victim unconscious or administering a drug
8 to the victim without the consent of the victim; or

9 (d) The juvenile sex offender, at the time of the offense,
10 previously had been adjudicated delinquent for committing any of
11 the following:

12 (1) Sexual assault pursuant to NRS 200.366;

13 (2) Battery with intent to commit sexual assault pursuant to
14 NRS 200.400;

15 (3) An offense involving the administration of a drug to
16 another person with the intent to enable or assist the commission
17 of a felony pursuant to NRS 200.405, if the felony is listed in
18 subparagraphs (1) to (14), inclusive;

19 (4) An offense involving the administration of a controlled
20 substance to another person with the intent to enable or assist the
21 commission of a crime of violence pursuant to NRS 200.408, if the
22 crime of violence is listed in subparagraphs (1) to (14), inclusive;

23 (5) Abuse of a child pursuant to NRS 200.508, if the abuse
24 involved sexual abuse or sexual exploitation;

25 (6) An offense involving pornography and a minor
26 pursuant to NRS 200.710 or 200.720;

27 (7) Incest pursuant to NRS 201.180;

28 (8) Solicitation of a minor to engage in acts constituting the
29 infamous crime against nature pursuant to NRS 201.195;

30 (9) Open or gross lewdness pursuant to NRS 201.210, if
31 punishable as a felony;

32 (10) Indecent or obscene exposure pursuant to NRS
33 201.220, if punishable as a felony;

34 (11) Lewdness with a child pursuant to NRS 201.230;

35 (12) Sexual penetration of a dead human body pursuant to
36 NRS 201.450;

37 (13) Luring a child or a person with mental illness
38 pursuant to NRS 201.560, if punishable as a felony;

39 (14) An attempt or conspiracy to commit any of the offenses
40 listed in subparagraphs (1) to (13), inclusive;

41 (15) An offense that is determined to be sexually motivated
42 pursuant to NRS 62F.010; or

43 (16) An offense committed in any other jurisdiction that, if
44 committed in this State, would be an offense listed in this
45 paragraph.



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1 4. When it deems appropriate, the juvenile court may
2 consider evidence regarding whether a juvenile sex offender poses
3 a threat to the safety of others and the level of risk of recidivism in
4 determining whether to adjudicate the juvenile sex offender as a
5 violent or repetitive juvenile sex offender.

6 5. A child who has been adjudicated as a violent or repetitive
7 juvenile sex offender is subject to registration and community
8 notification set forth in NRS 179D.010 to 179D.550, inclusive, and
9 the juvenile court shall notify the Central Repository so the
10 Central Repository may carry out the provisions for registration of
11 the child as a sex offender pursuant to NRS 179D.450.

12 6. For the purposes of NRS 62D.030, a separate hearing
13 conducted pursuant to this section is part of the proceedings to
14 which a child is entitled to be represented by an attorney.

15 7. A juvenile court that adjudicates a child as a violent or
16 repetitive juvenile sex offender may determine whether to exempt
17 the juvenile sex offender from inclusion in the community
18 notification website. If the juvenile court provides such an
19 exemption, the juvenile court must notify the Director of the
20 Department of Public Safety who shall ensure that information
21 concerning the juvenile sex offender is excluded from the
22 community notification website.

23 8. A child who has been adjudicated as a violent or repetitive
24 juvenile sex offender remains subject to the requirement for
25 supervision set forth in paragraph (b) of subsection 1 of section 8
26 of this act.

27 9. The juvenile court may not terminate its jurisdiction over a
28 child who has been adjudicated as a violent or repetitive juvenile
29 sex offender until the child is relieved of the requirements for
30 registration and community notification as a sex offender
31 pursuant to section 15 of this act.

32 10. As used in this section, "community notification website"
33 has the meaning ascribed to it in NRS 179B.023.

34 Sec. 15. 1. A child who has been deemed an adult sex
35 offender pursuant to section 11 of this act or who has been
36 adjudicated as a violent or repetitive juvenile sex offender
37 pursuant to section 14 of this act and who is required to comply
38 with registration and community notification in the manner set
39 forth in NRS 179D.350 to 179D.800, inclusive, may petition the
40 juvenile court to be relieved of such registration and community
41 notification:

42 (a) At any time after registering as a sex offender if the child
43 has been deemed an adult sex offender pursuant to section 11 of
44 this act; or



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1 (b) Not sooner than 3 years after registering as a sex offender
2 if the child was adjudicated as a violent or repetitive juvenile sex
3 offender pursuant to section 14 of this act.

4 2. A juvenile court shall not grant a petition pursuant to
5 subsection 1 unless the petitioner proves to the juvenile court by
6 clear and convincing evidence that the petitioner has been
7 rehabilitated and is not likely to pose a threat to the safety of
8 others.

9 3. In determining whether to grant the petition, the juvenile
10 court shall consider the following factors:

11 (a) The number, date, nature and gravity of the act or acts
12 committed by the petitioner, including, without limitation:

13 (1) Whether the act or acts were characterized by repetitive
14 and compulsive behavior; and

15 (2) Whether the act or acts involved the use of a weapon,
16 violence or infliction of serious bodily injury.

17 (b) The extent to which the petitioner has received counseling,
18 therapy or treatment, and the response of the petitioner to any
19 such counseling, therapy or treatment.

20 (c) Whether psychological or psychiatric profiles indicate a
21 risk of recidivism.

22 (d) The behavior of the petitioner while subject to the
23 jurisdiction of the juvenile court, including, without limitation, the
24 behavior of the petitioner during any period of confinement.

25 (e) Whether the petitioner has made any recent threats against
26 a person or expressed any intent to commit any crimes in the
27 future.

28 (f) Any physical conditions that minimize the risk of
29 recidivism, including, without limitation, physical disability or
30 illness.

31 (g) Any other factor that the juvenile court finds relevant to
32 the determination of whether the petitioner has been rehabilitated
33 to the satisfaction of the juvenile court and whether the petitioner
34 is likely to pose a threat to the safety of others.

35 4. At the hearing held on a petition pursuant to this section,
36 the juvenile court may consider any evidence, reports, statements
37 or other material which the juvenile court determines is relevant
38 and helpful to determine whether to grant the petition.

39 5. The juvenile court shall file written findings of fact and
40 conclusions of law setting forth the factual basis and legal support
41 for any decision to grant or deny a petition pursuant to this
42 section.

43 Sec. 16. NRS 62H.110 is hereby amended to read as follows:

44 62H.110 The provisions of NRS 62H.100 to 62H.170,
45 inclusive, do not apply to:



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1 1. Information maintained in the standardized system
2 established pursuant to NRS 62H.200;

3 2. Information that must be collected by the Division of Child
4 and Family Services pursuant to NRS 62H.220;

5 3. Records that are subject to the provisions of ~~{NRS 62F.260;}~~
6 ***section 12 of this act;*** or

7 4. Records relating to a traffic offense that would have been a
8 misdemeanor if committed by an adult.

9 **Sec. 17.** NRS 62H.120 is hereby amended to read as follows:

10 62H.120 Any decree or order entered concerning a child within
11 the purview of this title must contain, for the benefit of the child, an
12 explanation of the contents of NRS 62H.100 to 62H.170, inclusive,
13 and, if applicable, ~~{NRS 62F.260;}~~ ***section 12 of this act.***

14 **Sec. 18.** NRS 179D.035 is hereby amended to read as follows:

15 179D.035 "Convicted" includes, but is not limited to, an
16 adjudication of delinquency by a court having jurisdiction over
17 juveniles if:

18 1. The ~~{adjudication of delinquency is for the commission of a~~
19 ~~sexual offense that is listed in NRS 62F.200; and}~~ ***offender has***
20 ***been deemed an adult sex offender pursuant to section 11 of this***
21 ***act; or***

22 2. The offender ~~{was 14 years of age or older at the time of the~~
23 ~~offense.}~~ ***has been adjudicated as a violent or repetitive juvenile***
24 ***sex offender pursuant to section 14 of this act.***

25 **Sec. 19.** NRS 179D.0559 is hereby amended to read as
26 follows:

27 179D.0559 1. "Offender convicted of a crime against a child"
28 or "offender" means a person who ~~{, after}~~ :

29 ***(a) After July 1, 1956, and before October 1, 2011,*** is or has
30 been:

31 ~~{(a)}~~ ***(1) Convicted of a crime against a child that is listed in***
32 ***NRS 179D.0357; or***

33 ~~{(b)}~~ ***(2) Adjudicated delinquent by a court having jurisdiction***
34 ***over juveniles of a crime against a child that is listed in former NRS***
35 ***62F.200 if the offender was 14 years of age or older at the time of***
36 ***the crime.***

37 ***(b) On or after October 1, 2011, is or has been:***

38 ***(1) Convicted of a crime against a child that is listed in***
39 ***NRS 179D.0357;***

40 ***(2) Deemed an adult sex offender pursuant to section 11 of***
41 ***this act by a court having jurisdiction over juveniles; or***

42 ***(3) Adjudicated as a violent or repetitive juvenile sex***
43 ***offender pursuant to section 14 of this act by a court having***
44 ***jurisdiction over juveniles.***



2. The term includes, without limitation, an offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 20. NRS 179D.095 is hereby amended to read as follows:

179D.095 1. "Sex offender" means a person who ~~[-after-]~~ :

(a) *After July 1, 1956, and before October 1, 2011*, is or has been:

~~[(a)]~~ (1) Convicted of a sexual offense listed in NRS 179D.097; or

~~[(b)]~~ (2) Adjudicated delinquent by a court having jurisdiction over juveniles of a sexual offense listed in *former* NRS 62F.200 if the offender was 14 years of age or older at the time of the offense.

(b) *On or after October 1, 2011, is or has been:*

(1) *Convicted of a sexual offense listed in NRS 179D.097;*

(2) *Deemed an adult sex offender pursuant to section 11 of this act by a court having jurisdiction over juveniles; or*

(3) *Adjudicated as a violent or repetitive juvenile sex offender pursuant to section 14 of this act by a court having jurisdiction over juveniles.*

2. The term includes, without limitation, a sex offender who is a student or worker within this State but who is not otherwise deemed a resident offender pursuant to subsection 2 or 3 of NRS 179D.460.

Sec. 21. NRS 179D.450 is hereby amended to read as follows:

179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to ~~NRS 62F.220~~ *section 11 or 14 of this act* that a juvenile has been adjudicated delinquent ~~[-for an offense for which the juvenile]~~ *and* is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive, the Central Repository shall:

(a) If a record of registration has not previously been established for the offender or sex offender, notify the local law enforcement agency so that a record of registration may be established; or

(b) If a record of registration has previously been established for the offender or sex offender, update the record of registration for the offender or sex offender and notify the appropriate local law enforcement agencies.

2. If the offender or sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall:

(a) Immediately provide notification concerning the offender or sex offender to the appropriate local law enforcement agencies and, if the offender or sex offender resides in a jurisdiction which is



1 outside of this State, to the appropriate law enforcement agency in
2 that jurisdiction; and

3 (b) Immediately provide community notification concerning the
4 offender or sex offender pursuant to the provisions of
5 NRS 179D.475.

6 3. If an offender or sex offender is incarcerated or confined and
7 has previously been convicted of a crime against a child as
8 described in NRS 179D.0357 or a sexual offense as described in
9 NRS 179D.097, before the offender or sex offender is released:

10 (a) The Department of Corrections or a local law enforcement
11 agency in whose facility the offender or sex offender is incarcerated
12 or confined shall:

13 (1) Inform the offender or sex offender of the requirements
14 for registration, including, but not limited to:

15 (I) The duty to register initially with the appropriate law
16 enforcement agency in the jurisdiction in which the offender or sex
17 offender was convicted if the offender or sex offender is not a
18 resident of that jurisdiction pursuant to NRS 179D.445;

19 (II) The duty to register in this State during any period in
20 which the offender or sex offender is a resident of this State or a
21 nonresident who is a student or worker within this State and the time
22 within which the offender or sex offender is required to register
23 pursuant to NRS 179D.460;

24 (III) The duty to register in any other jurisdiction during
25 any period in which the offender or sex offender is a resident of the
26 other jurisdiction or a nonresident who is a student or worker within
27 the other jurisdiction;

28 (IV) If the offender or sex offender moves from this State
29 to another jurisdiction, the duty to register with the appropriate law
30 enforcement agency in the other jurisdiction;

31 (V) The duty to notify the local law enforcement agency
32 for the jurisdiction in which the offender or sex offender now
33 resides, in person, and the jurisdiction in which the offender or sex
34 offender formerly resided, in person or in writing, if the offender or
35 sex offender changes the address at which the offender or sex
36 offender resides, including if the offender or sex offender moves
37 from this State to another jurisdiction, or changes the primary
38 address at which the offender or sex offender is a student or worker;
39 and

40 (VI) The duty to notify immediately the appropriate local
41 law enforcement agency if the offender or sex offender is, expects to
42 be or becomes enrolled as a student at an institution of higher
43 education or changes the date of commencement or termination of
44 the offender or sex offender's enrollment at an institution of higher
45 education or if the offender or sex offender is, expects to be or



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1 becomes a worker at an institution of higher education or changes
2 the date of commencement or termination of the offender or sex
3 offender's work at an institution of higher education; and

4 (2) Require the offender or sex offender to read and sign a
5 form stating that the requirements for registration have been
6 explained and that the offender or sex offender understands the
7 requirements for registration, and to forward the form to the Central
8 Repository.

9 (b) The Central Repository shall:

10 (1) Update the record of registration for the offender or sex
11 offender;

12 (2) Provide community notification concerning the offender
13 or sex offender pursuant to the provisions of NRS 179D.475; and

14 (3) Provide notification concerning the offender or sex
15 offender to the appropriate local law enforcement agencies and, if
16 the offender or sex offender will reside upon release in a jurisdiction
17 which is outside of this State, to the appropriate law enforcement
18 agency in that jurisdiction.

19 4. The failure to provide an offender or sex offender with the
20 information or confirmation form required by paragraph (a) of
21 subsection 3 does not affect the duty of the offender or sex offender
22 to register and to comply with all other provisions for registration.

23 5. If the Central Repository receives notice from another
24 jurisdiction or the Federal Bureau of Investigation that an offender
25 or sex offender is now residing or is a student or worker within this
26 State, the Central Repository shall:

27 (a) Immediately provide notification concerning the offender or
28 sex offender to the appropriate local law enforcement agencies;

29 (b) Establish a record of registration for the offender or sex
30 offender; and

31 (c) Immediately provide community notification concerning the
32 offender or sex offender pursuant to the provisions of
33 NRS 179D.475.

34 **Sec. 22.** NRS 179D.490 is hereby amended to read as follows:

35 179D.490 1. An offender convicted of a crime against a child
36 or a sex offender shall comply with the provisions for registration
37 for as long as the offender or sex offender resides or is present
38 within this State or is a nonresident offender or sex offender who is
39 a student or worker within this State, unless the period of time
40 during which the offender or sex offender has the duty to register is
41 reduced pursuant to the provisions of this section ~~+~~ *or section 15 of*
42 *this act.*

43 2. Except as otherwise provided in subsection 3, the full period
44 of registration is:



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1 (a) Fifteen years, if the offender or sex offender is a Tier I
2 offender;

3 (b) Twenty-five years, if the offender or sex offender is a Tier II
4 offender; and

5 (c) The life of the offender or sex offender, if the offender or sex
6 offender is a Tier III offender,

7 ➔ exclusive of any time during which the offender or sex offender
8 is incarcerated or confined.

9 3. If an offender or sex offender complies with the provisions
10 for registration ‡

11 —(a) ~~For~~ *for* an interval of at least 10 consecutive years, if the
12 offender or sex offender is a Tier I offender ‡; or

13 —(b) ~~For an interval of at least 25 consecutive years, if the~~ *other*
14 *than an* offender or sex offender ~~is a Tier III offender~~ *who was*
15 adjudicated delinquent for the offense which required registration as
16 an offender or sex offender,

17 ‡➔ during which the offender or sex offender is not convicted of an
18 offense for which imprisonment for more than 1 year may be
19 imposed, is not convicted of a sexual offense, successfully
20 completes any periods of supervised release, probation or parole,
21 and successfully completes a sex offender treatment program
22 certified by the State or by the Attorney General of the United
23 States, the offender or sex offender may file a petition to reduce the
24 period of time during which the offender or sex offender has a duty
25 to register with the district court in whose jurisdiction the offender
26 or sex offender resides or, if he or she is a nonresident offender or
27 sex offender, in whose jurisdiction the offender or sex offender is a
28 student or worker. For the purposes of this subsection, registration
29 begins on the date that the Central Repository or appropriate agency
30 of another jurisdiction establishes a record of registration for the
31 offender or sex offender or the date that the offender or sex offender
32 is released, whichever occurs later.

33 4. If the offender or sex offender satisfies the requirements of
34 subsection 3, the court shall hold a hearing on the petition at which
35 the offender or sex offender and any other interested person may
36 present witnesses and other evidence. If the court determines from
37 the evidence presented at the hearing that the offender or sex
38 offender satisfies the requirements of subsection 3, the court shall ‡

39 —(a) ~~If~~ , *if* the offender or sex offender is a Tier I offender,
40 reduce the period of time during which the offender or sex offender
41 is required to register by 5 years . ‡; and

42 —(b) ~~If the offender or sex offender is a Tier III offender~~
43 ~~adjudicated delinquent for the offense which required registration as~~
44 ~~an offender or sex offender, reduce the period of time during which~~
45 ~~the offender or sex offender is required to register from the life of~~



1 ~~the offender or sex offender to that period of time for which the~~
2 ~~offender or sex offender meets the requirements of subsection 3.]~~

3 **5. *If the offender or sex offender was adjudicated delinquent***
4 ***for an offense which required registration as an offender or sex***
5 ***offender, the offender or sex offender may file a petition pursuant***
6 ***to section 15 of this act with the juvenile court having jurisdiction***
7 ***over the offender or sex offender to relieve the offender or sex***
8 ***offender from the duty to register.***

9 **Sec. 23.** NRS 62F.200, 62F.220 and 62F.260 are hereby
10 repealed.

11 **Sec. 24.** The provisions of this act apply only to juveniles who
12 have been adjudicated delinquent on or after October 1, 2011.

TEXT OF REPEALED SECTIONS

62F.200 "Sexual offense" defined.

1. As used in this section and NRS 62F.220 and 62F.260, unless the context otherwise requires, "sexual offense" means:

- (a) Sexual assault pursuant to NRS 200.366;
- (b) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- (c) Lewdness with a child pursuant to NRS 201.230; or
- (d) An attempt or conspiracy to commit an offense listed in this section.

2. The term does not include an offense involving consensual sexual conduct if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

62F.220 Certain duties of juvenile court with respect to juvenile sex offenders; jurisdiction of juvenile court not terminated until child no longer subject to registration and community notification.

1. If a child who is 14 years of age or older is adjudicated delinquent for an unlawful act that would have been a sexual offense if committed by an adult, the juvenile court shall:

- (a) Notify the Central Repository of the adjudication of the child, so the Central Repository may carry out any provisions for registration of the child pursuant to NRS 179D.010 to 179D.550, inclusive; and
- (b) Inform the child and the parent or guardian of the child that the child is subject to registration and community notification pursuant to NRS 179D.010 to 179D.550, inclusive.



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2. The juvenile court may not terminate its jurisdiction concerning the child for the purposes of carrying out the provisions of this section and NRS 62F.200 and 62F.260 until the child is no longer subject to registration and community notification as a juvenile sex offender pursuant to this section and NRS 62F.200 and 62F.260.

62F.260 Records not sealed during period of registration and community notification. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to registration and community notification as a juvenile sex offender pursuant to NRS 179D.010 to 179D.550, inclusive.

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