

MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning Sex Offender Registration

Date: October 26, 2015

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 3138

Committee Attendees:

Wes Duncan, Sen. Pete Goicechea, Sen. PK O'Neil, Susan Roske, Donna Coleman, Scott Schick, Elizabeth Neighbors, Tick Segerblom, and Tod Story.

Members of the Public who Signed in as Present:

None

Meeting was called to order at 2:07 p.m. by Chair Wes Duncan. He started the meeting by taking roll.

Moved to approve the minutes from the July 24, 2015 meeting minutes. Committee members approved the meeting minutes.

SDAG Kimberly Buchanan on the record to discuss SB 99/AB 579.

AB 579 is Nevada's Adam Walsh Act. In 2007, adopted of AB 579 and SB 471. An injunction filed in Federal Court. This was appealed, the constitutionality of AB 579 was upheld. The Office of the Attorney General went back to state court and got the injunctions lifted. When injunctions were lifted two cases were appealed to the Nevada Supreme Court (matters of SM and MW, initials of doe plaintiffs). The matter of SM was decided in the state's favor upholding the constitutionality of AB 579. The matter of MW was held for oral argument before an en banc proceeding this year. A decision has not been rendered as of yet. The matter of Does 1-24 were denied an injunction. Plaintiffs immediately filed a Writ of Mandamus asking for relief. The Nevada Supreme Court issued a stay as to the implementation of AB 579, to date the stay remains in place. Oral arguments were heard on does 1-24; waiting for a decision on MW and does 1-24. The court upheld the constitutionality of AB 579 as it relates to juveniles. SB 99 was drafted to address some concerns the court had regarding AB 579. SB 99 instead of eradicating the Adam Walsh Act it became a change to the Adam Walsh Act. The biggest change was to the juvenile portion. It was passed however the Governor vetoed. It is now back to its original language. A stay of AB 579 stays in effect and we awaiting the decision of the court.

Wes Duncan asked Kim Buchanan to expand on what SB 99 would have done for the laws. It would have been a cleaner venue for the statutes.

Susan Roske: Spoke on concerns that AB 579 would not be good public policy.

Scott Shick: Spoke to the work done on the bill and how disconcerting the governor's veto was.

SDAG Kimberly Buchanan: Spoke regarding the residency and registering requirements of SB 99. Wanted to protect children from child predators regardless of the tier registration.

Sen. Pete Goicechea: Looking for some provisions that can address the issues of long ago Convictions that have been upstanding citizens and who now have to register and possibly have to move.

Assemblyman PK O'Neill: Asked if the SMART office is giving discretion back to the states.

SDAG Kimberly Buchanan: Only to the juveniles.

Agenda Item #4

Committee members introduced themselves and expressed their wishes for the committee.

Senator Goicechea asked for background information for the new members of the committee.

Discussion among the members regarding the possibility of submitting a bill or if they have bill draft authority.

Wes Duncan asked for last public comments. None.

Meeting adjourned 3:00 p.m.