

SENATE BILL NO. 67—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED NOVEMBER 16, 2022

Referred to Committee on Judiciary

SUMMARY—Revises the definition of the term “sexual offense” for the purpose of certain provisions relating to parole. (BDR 16-258)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to parole; revising the definition of the term “sexual offense” for the purpose of certain provisions relating to parole; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires a person convicted of a “sexual offense” to provide a biological specimen, to undergo a psychosexual evaluation before sentencing, to register as a sex offender and to comply with certain other requirements. (NRS 176.139, 179D.097, 179D.441, 179D.443) Existing law also contains a different definition of “sexual offense” for the purpose of certain other provisions relating to parole. (NRS 213.107) This bill makes the definition of the term “sexual offense” that is used for the purpose of those provisions relating to parole consistent with the definition used elsewhere in the NRS.

For the purposes of the provisions relating to parole that apply to a person who is convicted of a sexual offense, existing law: (1) requires the State Board of Parole Commissioners to adopt by regulation standards to assist the Board in determining whether to grant or revoke the parole of a person who was convicted of a sexual offense involving the use or threat of use of force or violence; (2) imposes certain requirements upon the Department of Corrections to assess each prisoner who has been convicted of a sexual offense to determine the prisoner’s risk to reoffend in a sexual manner; (3) requires the Board to consider that assessment by the Department before determining whether to grant or revoke the parole of the person; and (4) allows the Board to delegate to a panel its authority to hear, consider and act upon the parole of a person who has been convicted of a sexual offense involving the use or threat of use of force or violence. (NRS 213.10885, 213.1214, 213.133) **Section 1** of this bill revises the definition of “sexual offense” for the purposes of these provisions relating to parole to make the definition consistent



23 with the definition of the term used elsewhere in NRS, which has the effect of
24 providing that persons who are convicted of certain offenses and who are not
25 currently subject to these provisions relating to parole will now be subject to these
26 provisions. **Sections 2-4 and 6** of this bill make conforming changes that are
27 necessary as the result of the revised definition in **section 1**. **Section 5** of this bill
28 makes a technical change to ensure that a provision relating to the special sentence
29 of lifetime supervision for sex offenders is not affected by the change in **section 1**.

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

1 **Section 1.** NRS 213.107 is hereby amended to read as follows:

2 213.107 As used in NRS 213.107 to 213.157, inclusive, unless
3 the context otherwise requires:

4 1. "Board" means the State Board of Parole Commissioners.

5 2. "Chief" means the Chief Parole and Probation Officer.

6 3. "Division" means the Division of Parole and Probation of
7 the Department of Public Safety.

8 4. "Residential confinement" means the confinement of a
9 person convicted of a crime to his or her place of residence under
10 the terms and conditions established by the Board.

11 5. "Responsivity factors" means characteristics of a person that
12 affect his or her ability to respond favorably or unfavorably to any
13 treatment goals.

14 6. "Risk and needs assessment" means a validated,
15 standardized actuarial tool that identifies risk factors that increase
16 the likelihood of a person reoffending and factors that, when
17 properly addressed, can reduce the likelihood of a person
18 reoffending.

19 7. "Sex offender" means any person who has been or is
20 convicted of a sexual offense.

21 8. "Sexual offense" ~~means:~~

22 ~~—(a) A violation of NRS 200.366, subsection 4 of NRS 200.400,~~
23 ~~NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS~~
24 ~~201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or~~
25 ~~(b) of subsection 4 or paragraph (a) or (b) of subsection 5 of~~
26 ~~NRS 201.560;~~

27 ~~—(b) An attempt to commit any offense listed in paragraph (a); or~~

28 ~~—(c) An act of murder in the first or second degree, kidnapping in~~
29 ~~the first or second degree, false imprisonment, burglary or invasion~~
30 ~~of the home if the act is determined to be sexually motivated at a~~
31 ~~hearing conducted pursuant to NRS 175.547.] *has the meaning*~~
32 ~~*ascribed to it in NRS 179D.097.*~~



1 9. "Standards" means the objective standards for granting or
2 revoking parole or probation which are adopted by the Board or the
3 Chief.

4 **Sec. 2.** NRS 213.1099 is hereby amended to read as follows:

5 213.1099 1. Except as otherwise provided in this section and
6 NRS 213.1215, the Board may release on parole a prisoner who is
7 otherwise eligible for parole pursuant to NRS 213.107 to 213.157,
8 inclusive.

9 2. In determining whether to release a prisoner on parole, the
10 Board shall consider:

11 (a) Whether there is a reasonable probability that the prisoner
12 will live and remain at liberty without violating the laws;

13 (b) Whether the release is incompatible with the welfare of
14 society;

15 (c) The seriousness of the offense and the history of criminal
16 conduct of the prisoner;

17 (d) The standards adopted pursuant to NRS 213.10885 and the
18 recommendation, if any, of the Chief; and

19 (e) Any documents or testimony submitted by a victim notified
20 pursuant to NRS 213.131 or 213.10915.

21 3. When a person is convicted of a felony and is punished by a
22 sentence of imprisonment, the person remains subject to the
23 jurisdiction of the Board from the time the person is released on
24 parole under the provisions of this chapter until the expiration of the
25 maximum term or the maximum aggregate term of imprisonment
26 imposed by the court, as applicable, less any credits earned to
27 reduce his or her sentence pursuant to chapter 209 of NRS.

28 4. Except as otherwise provided in NRS 213.1215, the Board
29 may not release on parole a prisoner whose sentence to death or to
30 life without possibility of parole has been commuted to a lesser
31 penalty unless the Board finds that the prisoner has served at least
32 20 consecutive years in the state prison, is not under an order to be
33 detained to answer for a crime or violation of parole or probation in
34 another jurisdiction, and does not have a history of:

35 (a) Recent misconduct in the institution, and has been
36 recommended for parole by the Director of the Department of
37 Corrections;

38 (b) Repetitive criminal conduct;

39 (c) Criminal conduct related to the use of alcohol or drugs;

40 (d) Repetitive sexual deviance, violence or aggression; or

41 (e) Failure in parole, probation, work release or similar
42 programs.

43 5. In determining whether to release a prisoner on parole
44 pursuant to this section, the Board shall not consider whether the
45 prisoner will soon be eligible for release pursuant to NRS 213.1215.



1 6. The Board shall not release on parole an offender convicted
2 of ~~[an offense listed in NRS 179D.097]~~ *a sexual offense* until the
3 Central Repository for Nevada Records of Criminal History has
4 been provided an opportunity to give the notice required pursuant to
5 NRS 179D.475.

6 **Sec. 3.** NRS 213.1214 is hereby amended to read as follows:

7 213.1214 1. The Department of Corrections shall assess each
8 prisoner who has been convicted of a sexual offense to determine
9 the prisoner's risk to reoffend in a sexual manner using a currently
10 accepted standard of assessment. The completed assessment must
11 include, without limitation, a determination of the prisoner's level of
12 risk to reoffend in a sexual manner, including, without limitation,
13 whether the prisoner is a high risk to reoffend in a sexual manner for
14 the purposes of subsection 3 of NRS 213.1215. The Director shall
15 ensure a completed assessment is provided to the Board before, but
16 not sooner than 120 days before, a scheduled parole hearing.

17 2. The Director shall:

18 (a) Ensure that any employee of the Department who completes
19 an assessment pursuant to subsection 1 is properly trained to assess
20 the risk of an offender to reoffend in a sexual manner.

21 (b) Establish a procedure to:

22 (1) Ensure the accuracy of each completed assessment
23 provided to the Board; and

24 (2) Correct any error occurring in a completed assessment
25 provided to the Board.

26 3. This section does not create a right in any prisoner to be
27 assessed or reassessed more frequently than the prisoner's regularly
28 scheduled parole hearings or under a current or previous standard of
29 assessment and does not restrict the Department from conducting
30 additional assessments of a prisoner if such assessments may assist
31 the Board in determining whether parole should be granted or
32 continued. No cause of action may be brought against the State, its
33 political subdivisions, or the agencies, boards, commissions,
34 departments, officers or employees of the State or its political
35 subdivisions for assessing, not assessing or considering or relying
36 on an assessment of a prisoner, if such decisions or actions are made
37 or conducted in compliance with the procedures set forth in this
38 section.

39 4. The Board shall consider an assessment prepared pursuant to
40 this section before determining whether to grant or revoke the parole
41 of a person convicted of a sexual offense.

42 5. The Board may adopt by regulation the manner in which the
43 Board will consider an assessment prepared pursuant to this section
44 in conjunction with the standards adopted by the Board pursuant to
45 NRS 213.10885.



1 6. As used in this section:

2 (a) "Director" means the Director of the Department of
3 Corrections.

4 (b) "Reoffend in a sexual manner" means to commit a sexual
5 offense.

6 ~~[(c) "Sex offender" means a person who, after July 1, 1956, is or
7 has been:~~

8 ~~—— (1) Convicted of a sexual offense; or~~

9 ~~—— (2) Adjudicated delinquent or found guilty by a court having
10 jurisdiction over juveniles of a sexual offense listed in subparagraph
11 (20) of paragraph (d):~~

12 ~~➔ The term includes, but is not limited to, a sexually violent
13 predator or a nonresident sex offender who is a student or worker
14 within this State.~~

15 ~~—— (d) "Sexual offense" means any of the following offenses:~~

16 ~~—— (1) Murder of the first degree committed in the perpetration
17 or attempted perpetration of sexual assault or of sexual abuse or
18 sexual molestation of a child less than 14 years of age pursuant to
19 paragraph (b) of subsection 1 of NRS 200.030.~~

20 ~~—— (2) Sexual assault pursuant to NRS 200.366.~~

21 ~~—— (3) Statutory sexual seduction pursuant to NRS 200.368.~~

22 ~~—— (4) Battery with intent to commit sexual assault pursuant to
23 NRS 200.400.~~

24 ~~—— (5) An offense involving the administration of a drug to
25 another person with the intent to enable or assist the commission of
26 a felony pursuant to NRS 200.405, if the felony is an offense listed
27 in this paragraph.~~

28 ~~—— (6) An offense involving the administration of a controlled
29 substance to another person with the intent to enable or assist the
30 commission of a crime of violence pursuant to NRS 200.408, if the
31 crime of violence is an offense listed in this paragraph.~~

32 ~~—— (7) Abuse of a child pursuant to NRS 200.508, if the abuse
33 involved sexual abuse or sexual exploitation.~~

34 ~~—— (8) An offense involving pornography and a minor pursuant
35 to NRS 200.710 to 200.730, inclusive.~~

36 ~~—— (9) Incest pursuant to NRS 201.180.~~

37 ~~—— (10) Open or gross lewdness pursuant to NRS 201.210.~~

38 ~~—— (11) Indecent or obscene exposure pursuant to NRS 201.220.~~

39 ~~—— (12) Lewdness with a child pursuant to NRS 201.230.~~

40 ~~—— (13) Sexual penetration of a dead human body pursuant to
41 NRS 201.450.~~

42 ~~—— (14) Sexual conduct between certain employees of a school
43 or volunteers at a school and a pupil pursuant to NRS 201.540.~~

44 ~~—— (15) Sexual conduct between certain employees of a college
45 or university and a student pursuant to NRS 201.550.~~



~~1 (16) Luring a child or a person with mental illness pursuant
2 to NRS 201.560, if punished as a felony.~~

~~3 (17) An attempt or conspiracy to commit an offense listed in
4 subparagraphs (1) to (16), inclusive.~~

~~5 (18) An offense that is determined to be sexually motivated
6 pursuant to NRS 175.547 or 207.193.~~

~~7 (19) An offense committed in another jurisdiction that, if
8 committed in this State, would be an offense listed in this paragraph.
9 This subparagraph includes, but is not limited to, an offense
10 prosecuted in:~~

~~11 (I) A tribal court.~~

~~12 (II) A court of the United States or the Armed Forces of
13 the United States.~~

~~14 (20) An offense of a sexual nature committed in another
15 jurisdiction, whether or not the offense would be an offense listed in
16 this paragraph, if the person who committed the offense resides or
17 has resided or is or has been a student or worker in any jurisdiction
18 in which the person is or has been required by the laws of that
19 jurisdiction to register as a sex offender because of the offense. This
20 subparagraph includes, but is not limited to, an offense prosecuted
21 in:~~

~~22 (I) A tribal court.~~

~~23 (II) A court of the United States or the Armed Forces of
24 the United States.~~

~~25 (III) A court having jurisdiction over juveniles.~~

~~26 → Except for the offenses described in subparagraphs 14 and 15, the
27 term does not include an offense involving consensual sexual
28 conduct if the victim was an adult, unless the adult was under the
29 custodial authority of the offender at the time of the offense, or if
30 the victim was at least 13 years of age and the offender was not
31 more than 4 years older than the victim at the time of the
32 commission of the offense.]~~

Sec. 4. NRS 213.12155 is hereby amended to read as follows:

213.12155 1. Notwithstanding any other provision of law, the Board may grant geriatric parole to a prisoner if he or she:

(a) Has not been convicted of:

(1) A crime of violence;

(2) A crime against a child as defined in NRS 179D.0357;

(3) A sexual offense ; ~~[as defined in NRS 179D.097;]~~

(4) Vehicular homicide pursuant to NRS 484C.130; or

(5) A violation of NRS 484C.430;

(b) Has not been found to be a habitual criminal pursuant to NRS 207.010;

(c) Is not serving a sentence of life imprisonment without the possibility of parole and has not been sentenced to death;



1 (d) Does not pose a significant and articulable risk to public
2 safety; and

3 (e) Is 65 years of age or older and has served at least a majority
4 of the maximum term or maximum aggregate term, as applicable, of
5 his or her sentence.

6 2. Consideration for geriatric parole may be initiated by the
7 submission of a written application and supporting documentation to
8 the Board, including, without limitation, relevant medical records,
9 plans for parole, program participation records, institutional records,
10 documents concerning eligibility for Medicaid or Medicare and any
11 other relevant documents, from:

12 (a) A prison official or employee;

13 (b) A prisoner;

14 (c) An attorney or representative of a prisoner;

15 (d) A family member of a prisoner; or

16 (e) A medical or mental health professional.

17 3. Not later than 15 days after receipt of an application
18 submitted pursuant to subsection 2, the Board shall notify the
19 Department of the application and request verification of the
20 prisoner's age and the length of time the prisoner has spent in
21 the custody of the Department.

22 4. Upon receipt of a request from the Board submitted pursuant
23 to subsection 3, if the Department determines that the prisoner:

24 (a) Meets the criteria set forth in subsection 1, the Department
25 shall:

26 (1) Notify the Board of the prisoner's eligibility for
27 consideration of geriatric parole;

28 (2) Place the prisoner on the next available list of persons
29 eligible for parole pursuant to NRS 209.254; and

30 (3) Provide to the Board a report prepared in accordance with
31 paragraph (c) of subsection 1 of NRS 213.131.

32 (b) Does not meet the criteria set forth in subsection 1, the
33 Department shall notify the Board and explain the reasons for such a
34 determination.

35 5. Upon receipt of the list prepared pursuant to NRS 209.254,
36 the Board shall, after sending copies of the list to all law
37 enforcement agencies in this State and other appropriate persons in
38 accordance with subsection 5 of NRS 213.1085, schedule a hearing
39 to consider the geriatric parole of an eligible prisoner whose name
40 appears on the list.

41 6. Except as otherwise provided in subsection 7, the Board
42 shall schedule and conduct the geriatric parole hearing of a prisoner
43 in the same general manner in which other prisoners are considered
44 for parole. The Board shall notify the prisoner and the person



1 submitting the application pursuant to subsection 2 of the date, time
2 and location of the geriatric parole hearing.

3 7. When determining whether to grant geriatric parole to a
4 prisoner, the Board must consider:

5 (a) The prisoner's:

6 (1) Age;

7 (2) Behavior while in custody; and

8 (3) Potential for violence;

9 (b) The reported severity of any illness, disease or infirmity of
10 the prisoner; and

11 (c) Any available alternatives for maintaining geriatric inmates
12 or inmates who have a medical condition in traditional settings.

13 8. The Board shall notify a prisoner of the Board's decision as
14 to whether to grant geriatric parole in accordance with subsection 11
15 of NRS 213.131.

16 9. At the time of the release of a prisoner on geriatric parole,
17 the Board shall prescribe the terms and conditions of the geriatric
18 parole.

19 10. A person who is granted geriatric parole pursuant to this
20 section is under the supervision of the Division. The Division is
21 responsible for supervising the person's compliance with the terms
22 and conditions prescribed by the Board.

23 11. Except as otherwise provided in this subsection, the Board
24 shall not take any action on an application submitted pursuant to
25 subsection 2 if the prisoner to whom the application pertains was
26 previously denied geriatric parole and less than 24 months have
27 elapsed since the most recent denial. The Board may take action on
28 such an application if a shorter period has been prescribed by the
29 Board or a request is made by the Director of the Department
30 because of the adverse health of the prisoner.

31 12. The provisions of this section are not intended to replace
32 the provisions relating to the general eligibility and consideration of
33 parole provided in NRS 213.1099 and 213.1215.

34 13. The Board shall adopt any regulations necessary to carry
35 out the provisions of this section.

36 14. As used in this section, "Department" means the
37 Department of Corrections.

38 **Sec. 5.** NRS 213.1243 is hereby amended to read as follows:

39 213.1243 1. The Board shall establish by regulation a
40 program of lifetime supervision of sex offenders to commence after
41 any period of probation or any term of imprisonment and any period
42 of release on parole. The program must provide for the lifetime
43 supervision of sex offenders by parole and probation officers.

44 2. Lifetime supervision shall be deemed a form of parole for:



1 (a) The limited purposes of the applicability of the provisions of
2 NRS 213.1076, subsection 9 of NRS 213.1095, NRS 213.1096 and
3 subsection 2 of NRS 213.110; and

4 (b) The purposes of the Interstate Compact for Adult Offender
5 Supervision ratified, enacted and entered into by the State of Nevada
6 pursuant to NRS 213.215.

7 3. Except as otherwise provided in subsection 9, the Board
8 shall require as a condition of lifetime supervision that the sex
9 offender reside at a location only if:

10 (a) The residence has been approved by the parole and probation
11 officer assigned to the person.

12 (b) If the residence is a facility that houses more than three
13 persons who have been released from prison, the facility is a facility
14 for transitional living for released offenders that is licensed pursuant
15 to chapter 449 of NRS.

16 (c) The person keeps the parole and probation officer informed
17 of his or her current address.

18 4. Except as otherwise provided in subsection 9, the Board
19 shall require as a condition of lifetime supervision that the sex
20 offender, unless approved by the parole and probation officer
21 assigned to the sex offender and by a psychiatrist, psychologist or
22 counselor treating the sex offender, if any, not knowingly be within
23 500 feet of any place, or if the place is a structure, within 500 feet of
24 the actual structure, that is designed primarily for use by or for
25 children, including, without limitation, a public or private school, a
26 school bus stop, a center or facility that provides day care services, a
27 video arcade, an amusement park, a playground, a park, an athletic
28 field or a facility for youth sports, or a motion picture theater. The
29 provisions of this subsection apply only to a sex offender who is a
30 Tier 3 offender.

31 5. Except as otherwise provided in subsection 9, if a sex
32 offender is convicted of a sexual offense listed in subsection 6 of
33 NRS 213.1255 against a child under the age of 14 years, the sex
34 offender is a Tier 3 offender and the sex offender is sentenced to
35 lifetime supervision, the Board shall require as a condition of
36 lifetime supervision that the sex offender:

37 (a) Reside at a location only if the residence is not located
38 within 1,000 feet of any place, or if the place is a structure, within
39 1,000 feet of the actual structure, that is designed primarily for use
40 by or for children, including, without limitation, a public or private
41 school, a school bus stop, a center or facility that provides day care
42 services, a video arcade, an amusement park, a playground, a park,
43 an athletic field or a facility for youth sports, or a motion picture
44 theater.



1 (b) As deemed appropriate by the Chief, be placed under a
2 system of active electronic monitoring that is capable of identifying
3 his or her location and producing, upon request, reports or records
4 of his or her presence near or within a crime scene or prohibited area
5 of his or her departure from a specified geographic location.

6 (c) Pay any costs associated with his or her participation under
7 the system of active electronic monitoring, to the extent of his or her
8 ability to pay.

9 6. A sex offender placed under the system of active electronic
10 monitoring pursuant to subsection 5 shall:

11 (a) Follow the instructions provided by the Division to maintain
12 the electronic monitoring device in working order.

13 (b) Report any incidental damage or defacement of the
14 electronic monitoring device to the Division within 2 hours after the
15 occurrence of the damage or defacement.

16 (c) Abide by any other conditions set forth by the Division with
17 regard to his or her participation under the system of active
18 electronic monitoring.

19 7. Except as otherwise provided in this subsection, a person
20 who intentionally removes or disables or attempts to remove or
21 disable an electronic monitoring device placed on a sex offender
22 pursuant to this section is guilty of a gross misdemeanor. The
23 provisions of this subsection do not prohibit a person authorized by
24 the Division from performing maintenance or repairs to an
25 electronic monitoring device.

26 8. Except as otherwise provided in subsection 7, a sex offender
27 who commits a violation of a condition imposed on him or her
28 pursuant to the program of lifetime supervision is guilty of a
29 category B felony and shall be punished by imprisonment in the
30 state prison for a minimum term of not less than 1 year and a
31 maximum term of not more than 6 years, and may be further
32 punished by a fine of not more than \$5,000.

33 9. The Board is not required to impose a condition pursuant to
34 the program of lifetime supervision listed in subsections 3, 4 and 5
35 if the Board finds that extraordinary circumstances are present and
36 the Board states those extraordinary circumstances in writing.

37 10. The Board shall require as a condition of lifetime
38 supervision that the sex offender not have contact or communicate
39 with a victim of the sexual offense or a witness who testified against
40 the sex offender or solicit another person to engage in such contact
41 or communication on behalf of the sex offender, unless approved by
42 the Chief or his or her designee and a written agreement is entered
43 into and signed.



1 11. The Board shall require as a condition of lifetime
2 supervision, in addition to any other condition imposed pursuant to
3 this section, that the sex offender:

4 (a) Participate in and complete a program of professional
5 counseling approved by the Division, unless, before commencing a
6 program of lifetime supervision, the sex offender previously
7 completed a program of professional counseling recommended or
8 ordered by the Board or the court upon conviction of the sexual
9 offense for which the sex offender will be placed under a program
10 of lifetime supervision.

11 (b) Not use aliases or fictitious names.

12 (c) Not possess any sexually explicit material that is harmful to
13 minors as defined in NRS 201.257.

14 (d) Not enter, visit or patronize an establishment which offers a
15 sexually related form of entertainment as its primary business.

16 (e) Inform the parole and probation officer assigned to the sex
17 offender of any post office box used by the sex offender.

18 12. If the sex offender is convicted of a sexual offense
19 involving the use of the Internet, the Board shall require, in addition
20 to any other condition imposed pursuant to this section, that the sex
21 offender not possess any electronic device capable of accessing the
22 Internet and not access the Internet through any such device or any
23 other means, unless the sex offender installs a device or subscribes
24 to a service which enables the parole and probation officer assigned
25 to the sex offender to regulate the sex offender's use of the Internet.
26 The provisions of this subsection do not apply to a device used by a
27 sex offender within the course and scope of his or her employment.

28 13. If the sex offender is convicted of a sexual offense
29 involving the use of alcohol, cannabis or a controlled substance, the
30 Board shall require, in addition to any other condition imposed
31 pursuant to this section, that the sex offender participate in and
32 complete a program of counseling pertaining to substance use
33 disorders approved by the Division, unless, before commencing a
34 program of lifetime supervision, the sex offender previously
35 completed a program of counseling pertaining to substance use
36 disorders recommended or ordered by the Board or the court upon
37 conviction of the sexual offense for which the sex offender will be
38 placed under a program of lifetime supervision.

39 14. If a court issues a warrant for arrest for a violation of this
40 section, the court shall cause to be transmitted, in the manner
41 prescribed by the Central Repository for Nevada Records of
42 Criminal History, notice of the issuance of the warrant for arrest in a
43 manner which ensures that such notice is received by the Central
44 Repository within 3 business days.



1 15. For the purposes of prosecution of a violation by a sex
2 offender of a condition imposed upon him or her pursuant to the
3 program of lifetime supervision:

4 (a) In which the violation occurred outside this State, the
5 violation shall be deemed to have occurred in, and may only be
6 prosecuted in, the county in which the court that imposed the
7 sentence of lifetime supervision pursuant to NRS 176.0931 is
8 located, regardless of whether the acts or conduct constituting the
9 violation took place, in whole or in part, outside that county or
10 outside this State; or

11 (b) In which the violation occurred within this State, the
12 violation shall be deemed to have occurred in, and may only be
13 prosecuted in, the county in which the violation occurred.

14 ***16. As used in this section, "sex offender" means any person
15 who has been convicted of a sexual offense as defined in
16 paragraph (b) of subsection 5 of NRS 176.0931.***

17 **Sec. 6.** NRS 213.1245 is hereby amended to read as follows:

18 213.1245 1. Except as otherwise provided in subsection 3, if
19 the Board releases on parole a prisoner convicted of ~~an offense~~
20 ~~listed in NRS 179D.097,~~ **a sexual offense**, the Board shall, in
21 addition to any other condition of parole, require as a condition of
22 parole that the parolee:

23 (a) Reside at a location only if:

24 (1) The residence has been approved by the parole and
25 probation officer assigned to the parolee.

26 (2) If the residence is a facility that houses more than three
27 persons who have been released from prison, the facility is a facility
28 for transitional living for released offenders that is licensed pursuant
29 to chapter 449 of NRS.

30 (3) The parolee keeps the parole and probation officer
31 informed of his or her current address.

32 (b) Accept a position of employment or a position as a volunteer
33 only if it has been approved by the parole and probation officer
34 assigned to the parolee and keep the parole and probation officer
35 informed of the location of his or her position of employment or
36 position as a volunteer.

37 (c) Abide by any curfew imposed by the parole and probation
38 officer assigned to the parolee.

39 (d) Participate in and complete a program of professional
40 counseling approved by the Division.

41 (e) Submit to periodic tests, as requested by the parole and
42 probation officer assigned to the parolee, to determine whether the
43 parolee is using a controlled substance.

44 (f) Submit to periodic polygraph examinations, as requested by
45 the parole and probation officer assigned to the parolee.



1 (g) Abstain from consuming, possessing or having under his or
2 her control any alcohol.

3 (h) Not have contact or communicate with a victim of the
4 offense or a witness who testified against the parolee or solicit
5 another person to engage in such contact or communication on
6 behalf of the parolee, unless approved by the Chief or his or her
7 designee and a written agreement is entered into and signed in the
8 manner set forth in subsection 2.

9 (i) Not use aliases or fictitious names.

10 (j) Not obtain a post office box unless the parolee receives
11 permission from the parole and probation officer assigned to the
12 parolee.

13 (k) Not have contact with a person less than 18 years of age in a
14 secluded environment unless another adult who has never been
15 convicted of ~~an offense listed in NRS 179D.097~~ *a sexual offense*
16 is present and permission has been obtained from the parole and
17 probation officer assigned to the parolee in advance of each such
18 contact.

19 (l) Unless approved by the parole and probation officer assigned
20 to the parolee and by a psychiatrist, psychologist or counselor
21 treating the parolee, if any, not knowingly be within 500 feet of any
22 place, or if the place is a structure, within 500 feet of the actual
23 structure, that is designed primarily for use by or for children,
24 including, without limitation, a public or private school, a school
25 bus stop, a center or facility that provides day care services, a video
26 arcade, an amusement park, a playground, a park, an athletic field or
27 a facility for youth sports, or a motion picture theater. The
28 provisions of this paragraph apply only to a parolee who is a Tier 3
29 offender.

30 (m) Comply with any protocol concerning the use of
31 prescription medication prescribed by a treating physician,
32 including, without limitation, any protocol concerning the use of
33 psychotropic medication.

34 (n) Not possess any sexually explicit material that is deemed
35 inappropriate by the parole and probation officer assigned to the
36 parolee.

37 (o) Not patronize a business which offers a sexually related form
38 of entertainment and which is deemed inappropriate by the parole
39 and probation officer assigned to the parolee.

40 (p) Not possess any electronic device capable of accessing the
41 Internet and not access the Internet through any such device or any
42 other means, unless possession of such a device or such access is
43 approved by the parole and probation officer assigned to the parolee.

44 (q) Inform the parole and probation officer assigned to the
45 parolee if the parolee expects to be or becomes enrolled as a student



1 at an institution of higher education or changes the date of
2 commencement or termination of his or her enrollment at an
3 institution of higher education. As used in this paragraph,
4 "institution of higher education" has the meaning ascribed to it in
5 NRS 179D.045.

6 2. A written agreement entered into pursuant to paragraph (h)
7 of subsection 1 must state that the contact or communication is in
8 the best interest of the victim or witness, and specify the type of
9 contact or communication authorized. The written agreement must
10 be signed and agreed to by:

11 (a) The victim or the witness;

12 (b) The parolee;

13 (c) The parole and probation officer assigned to the parolee;

14 (d) The psychiatrist, psychologist or counselor treating the
15 parolee, victim or witness, if any;

16 (e) If the victim or witness is a child under 18 years of age, each
17 parent, guardian or custodian of the child; and

18 (f) The Chief or his or her designee.

19 3. The Board is not required to impose a condition of parole
20 listed in subsection 1 if the Board finds that extraordinary
21 circumstances are present and the Board states those extraordinary
22 circumstances in writing.

23 **Sec. 7.** The amendatory provisions of this act apply to offenses
24 committed before, on or after the effective date of this act.

25 **Sec. 8.** This act becomes effective upon passage and approval.



