

SENATE BILL NO. 388—SENATORS PARKS,  
SPEARMAN AND SEGERBLOM

MARCH 18, 2013

JOINT SPONSORS: ASSEMBLYMEN MARTIN AND HEALEY

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to crimes involving certain persons. (BDR 15-927)

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 crimes; repealing the crime of solicitation of a minor to engage in acts constituting the infamous crime against nature; providing that the crime of luring a child includes the solicitation of certain persons to engage in sexual conduct; revising certain definitions and references to sex acts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law provides that a person who incites, entices or solicits a minor to  
2 engage in acts which constitute the infamous crime against nature is guilty of a  
3 crime. Existing law further defines the "infamous crime against nature" as anal  
4 intercourse, cunnilingus or fellatio between natural persons of the same sex. (NRS  
5 201.195) **Section 20** of this bill repeals the crime of solicitation of a minor to  
6 engage in acts constituting the infamous crime against nature.

7 Existing law defines the term "sexual conduct" for the crimes of: (1) the  
8 unlawful exhibition and sale of obscene material to minors; and (2) the unlawful  
9 voluntary sexual conduct between a prisoner and another person. (NRS 201.263,  
10 212.187) **Sections 1 and 15** of this bill remove the term "homosexuality," and  
11 replace the term "sexual intercourse" with the term "sexual penetration," for the  
12 purposes of defining "sexual conduct."

13 Existing law provides that a person commits the crime of luring a child when  
14 he or she knowingly contacts or communicates with or attempts to contact or  
15 communicate with another person whom he or she believes to be a child who is  
16 less than 16 years of age and at least 5 years younger than he or she is, with the  
17 intent to persuade or lure that person to engage in sexual conduct. (NRS 201.560)



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18 **Section 1.5** of this bill provides that the crime of luring a child includes contacting  
19 or communicating with the person believed to be a child with the intent to solicit  
20 that person to engage in sexual conduct.

21 Existing law also requires the segregation of certain offenders committed to the  
22 custody of the Department of Corrections, if the offender tests positive for human  
23 immunodeficiency virus and engages in certain behavior, including the infamous  
24 crime against nature, that increases the risk of transmitting the virus. (NRS  
25 209.385) **Section 14** of this bill removes the reference to the “infamous crime  
26 against nature,” and replaces it with a reference to “sexual activity.”

27 Existing law provides that a member of the Nevada National Guard is generally  
28 subject to disciplinary proceedings through a court-martial. However, for certain  
29 crimes, including the infamous crime against nature, a member is subject to the  
30 jurisdiction of the civil courts. (NRS 412.562) **Section 19** of this bill removes the  
31 reference to the infamous crime against nature, thereby deleting that particular  
32 offense from the jurisdiction of the civil courts.

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

1 **Section 1.** NRS 201.263 is hereby amended to read as follows:  
2 201.263 “Sexual conduct” means acts of masturbation,  
3 ~~homosexuality,~~ sexual ~~intercourse~~ *penetration* or physical  
4 contact with a person’s unclothed genitals or pubic area.

5 **Sec. 1.5.** NRS 201.560 is hereby amended to read as follows:

6 201.560 1. Except as otherwise provided in subsection 3, a  
7 person commits the crime of luring a child if the person knowingly  
8 contacts or communicates with or attempts to contact or  
9 communicate with:

10 (a) A child who is less than 16 years of age and who is at least 5  
11 years younger than the person with the intent to persuade, lure or  
12 transport the child away from the child’s home or from any location  
13 known to the child’s parent or guardian or other person legally  
14 responsible for the child to a place other than where the child is  
15 located, for any purpose:

16 (1) Without the express consent of the parent or guardian or  
17 other person legally responsible for the child; and

18 (2) With the intent to avoid the consent of the parent or  
19 guardian or other person legally responsible for the child; or

20 (b) Another person whom he or she believes to be a child who is  
21 less than 16 years of age and at least 5 years younger than he or she  
22 is, regardless of the actual age of that other person, with the intent to  
23 *solicit*, persuade or lure the person to engage in sexual conduct.

24 2. Except as otherwise provided in subsection 3, a person  
25 commits the crime of luring a person with mental illness if the  
26 person knowingly contacts or communicates with a person with  
27 mental illness with the intent to persuade, lure or transport the  
28 person with mental illness away from his or her home or from any



1 location known to any person legally responsible for the person with  
2 mental illness to a place other than where the person with mental  
3 illness is located:

4 (a) For any purpose that a reasonable person under the  
5 circumstances would know would endanger the health, safety or  
6 welfare of the person with mental illness;

7 (b) Without the express consent of the person legally  
8 responsible for the person with mental illness; and

9 (c) With the intent to avoid the consent of the person legally  
10 responsible for the person with mental illness.

11 3. The provisions of this section do not apply if the contact or  
12 communication is made or attempted with the intent to prevent  
13 imminent bodily, emotional or psychological harm to the child,  
14 person believed to be a child or person with mental illness.

15 4. A person who violates or attempts to violate the provisions  
16 of this section through the use of a computer, system or network:

17 (a) With the intent to engage in sexual conduct with the child,  
18 person believed to be a child or person with mental illness or to  
19 cause the child, person believed to be a child or person with mental  
20 illness to engage in sexual conduct, is guilty of a category B felony  
21 and shall be punished by imprisonment in the state prison for a  
22 minimum term of not less than 1 year and a maximum term of not  
23 more than 10 years and may be further punished by a fine of not  
24 more than \$10,000;

25 (b) By providing the child, person believed to be a child or  
26 person with mental illness with material that is harmful to minors or  
27 requesting the child, person believed to be a child or person with  
28 mental illness to provide the person with material that is harmful to  
29 minors, is guilty of a category C felony and shall be punished as  
30 provided in NRS 193.130; or

31 (c) If paragraph (a) or (b) does not apply, is guilty of a gross  
32 misdemeanor.

33 5. A person who violates or attempts to violate the provisions  
34 of this section in a manner other than through the use of a computer,  
35 system or network:

36 (a) With the intent to engage in sexual conduct with the child,  
37 person believed to be a child or person with mental illness or to  
38 cause the child, person believed to be a child or person with mental  
39 illness to engage in sexual conduct, is guilty of a category B felony  
40 and shall be punished by imprisonment in the state prison for a  
41 minimum term of not less than 2 years and a maximum term of not  
42 more than 15 years and may be further punished by a fine of not  
43 more than \$10,000;

44 (b) By providing the child, person believed to be a child or  
45 person with mental illness with material that is harmful to minors or



1 requesting the child, person believed to be a child or person with  
2 mental illness to provide the person with material that is harmful to  
3 minors, is guilty of a category B felony and shall be punished by  
4 imprisonment in the state prison for a minimum term of not less  
5 than 1 year and a maximum term of not more than 6 years and may  
6 be further punished by a fine of not more than \$10,000; or

7 (c) If paragraph (a) or (b) does not apply, is guilty of a gross  
8 misdemeanor.

9 6. As used in this section:

10 (a) "Computer" has the meaning ascribed to it in NRS 205.4735.

11 (b) "Harmful to minors" has the meaning ascribed to it in  
12 NRS 201.257.

13 (c) "Material" means anything that is capable of being used or  
14 adapted to arouse interest, whether through the medium of reading,  
15 observation, sound or in any other manner.

16 (d) "Network" has the meaning ascribed to it in NRS 205.4745.

17 (e) "Person with mental illness" means a person who has any  
18 mental dysfunction leading to impaired ability to maintain himself  
19 or herself and to function effectively in his or her life situation  
20 without external support.

21 (f) "Sexual conduct" has the meaning ascribed to it in  
22 NRS 201.520.

23 (g) "System" has the meaning ascribed to it in NRS 205.476.

24 **Sec. 2.** NRS 202.876 is hereby amended to read as follows:

25 202.876 "Violent or sexual offense" means any act that, if  
26 prosecuted in this State, would constitute any of the following  
27 offenses:

28 1. Murder or voluntary manslaughter pursuant to NRS 200.010  
29 to 200.260, inclusive.

30 2. Mayhem pursuant to NRS 200.280.

31 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.

32 4. Sexual assault pursuant to NRS 200.366.

33 5. Robbery pursuant to NRS 200.380.

34 6. Administering poison or another noxious or destructive  
35 substance or liquid with intent to cause death pursuant to  
36 NRS 200.390.

37 7. Battery with intent to commit a crime pursuant to  
38 NRS 200.400.

39 8. Administering a drug or controlled substance to another  
40 person with the intent to enable or assist the commission of a felony  
41 or crime of violence pursuant to NRS 200.405 or 200.408.

42 9. False imprisonment pursuant to NRS 200.460 if the false  
43 imprisonment involves the use or threatened use of force or violence  
44 against the victim or the use or threatened use of a firearm or a  
45 deadly weapon.



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- 1       10. Assault with a deadly weapon pursuant to NRS 200.471.  
2       11. Battery which is committed with the use of a deadly  
3 weapon or which results in substantial bodily harm as described in  
4 NRS 200.481 or battery which is committed by strangulation as  
5 described in NRS 200.481 or 200.485.  
6       12. An offense involving pornography and a minor pursuant to  
7 NRS 200.710 or 200.720.  
8       13. ~~Solicitation of a minor to engage in acts constituting the~~  
9 ~~infamous crime against nature pursuant to NRS 201.195.~~  
10 ~~—14.~~ Intentional transmission of the human immunodeficiency  
11 virus pursuant to NRS 201.205.  
12 ~~15.~~ 14. Open or gross lewdness pursuant to NRS 201.210.  
13 ~~16.~~ 15. Lewdness with a child pursuant to NRS 201.230.  
14 ~~17.~~ 16. An offense involving pandering or prostitution in  
15 violation of NRS 201.300, 201.320 or 201.340.  
16 ~~18.~~ 17. Coercion pursuant to NRS 207.190, if the coercion  
17 involves the use or threatened use of force or violence against the  
18 victim or the use or threatened use of a firearm or a deadly weapon.  
19 ~~19.~~ 18. An attempt, conspiracy or solicitation to commit an  
20 offense listed in ~~subsections 1 to 18, inclusive.~~ *this section.*  
21       **Sec. 3.** NRS 62H.010 is hereby amended to read as follows:  
22       62H.010 1. The fingerprints of a child must be taken if the  
23 child is in custody for an unlawful act that, if committed by an adult,  
24 would have been:  
25       (a) A felony, gross misdemeanor or sexual offense; or  
26       (b) A misdemeanor and the unlawful act involved:  
27           (1) The use or threatened use of force or violence against the  
28 victim; or  
29           (2) The possession, use or threatened use of a firearm or a  
30 deadly weapon.  
31       2. The fingerprints of a child who is in custody but who is not  
32 subject to the provisions of subsection 1 may be taken if a law  
33 enforcement officer finds latent fingerprints during the investigation  
34 of an offense and the officer has reason to believe that the latent  
35 fingerprints are those of the child. The officer shall use the  
36 fingerprints taken from the child to make an immediate comparison  
37 with the latent fingerprints. If the comparison is:  
38       (a) Negative, the fingerprint card and other copies of the  
39 fingerprints taken may be immediately destroyed or may be retained  
40 for future use.  
41       (b) Positive, the fingerprint card and other copies of the  
42 fingerprints:  
43           (1) Must be delivered to the juvenile court for disposition if  
44 the child is referred to the juvenile court.



1 (2) May be immediately destroyed or may be retained for  
2 future use if the child is not referred to the juvenile court.

3 3. Fingerprints that are taken from a child pursuant to the  
4 provisions of this section:

5 (a) May be retained in a local file or a local system for the  
6 automatic retrieval of fingerprints if they are retained under special  
7 security measures that limit inspection of the fingerprints to law  
8 enforcement officers who are conducting criminal investigations. If  
9 the child from whom the fingerprints are taken subsequently is not  
10 adjudicated delinquent, the parent or guardian of the child or, when  
11 the child becomes at least 18 years of age, the child may petition the  
12 juvenile court for the removal of the fingerprints from any local file  
13 or local system.

14 (b) Must be submitted to the Central Repository if the child is  
15 adjudicated delinquent for an unlawful act that would have been a  
16 felony or a sexual offense if committed by an adult, and may be  
17 submitted to the Central Repository for any other act. Any such  
18 fingerprints submitted to the Central Repository must be submitted  
19 with a description of the child and the unlawful act, if any, that the  
20 child committed. The Central Repository shall retain the fingerprints  
21 and information of the child under special security measures that  
22 limit inspection of the fingerprints and the information to:

23 (1) Law enforcement officers who are conducting criminal  
24 investigations; and

25 (2) Officers and employees of the Central Repository who  
26 are assisting law enforcement officers with criminal investigations  
27 or who are conducting research or performing a statistical analysis.

28 (c) Must not be submitted to the Federal Bureau of Investigation  
29 unless the child is adjudicated delinquent for an unlawful act that  
30 would have been a felony or a sexual offense if committed by an  
31 adult.

32 4. A child who is in custody must be photographed for the  
33 purpose of identification. Except as otherwise provided in this  
34 subsection, the photographs of the child must be kept in the file  
35 pertaining to the child under special security measures which  
36 provide that the photographs may be inspected only to conduct  
37 criminal investigations and photographic lineups. If the juvenile  
38 court subsequently determines that the child is not delinquent, the  
39 juvenile court shall order the photographs to be destroyed.

40 5. Any person who willfully violates any provision of this  
41 section is guilty of a misdemeanor.

42 6. As used in this section, "sexual offense" means:

43 (a) Sexual assault pursuant to NRS 200.366;

44 (b) Statutory sexual seduction pursuant to NRS 200.368;



- 1 (c) Battery with intent to commit sexual assault pursuant to
- 2 NRS 200.400;
- 3 (d) An offense involving pornography and a minor pursuant to
- 4 NRS 200.710 to 200.730, inclusive;
- 5 (e) Incest pursuant to NRS 201.180;
- 6 (f) ~~Solicitation of a minor to engage in acts constituting the~~
- 7 ~~infamous crime against nature pursuant to NRS 201.195;~~
- 8 ~~(g)~~ Open or gross lewdness pursuant to NRS 201.210;
- 9 ~~(h)~~ (g) Indecent or obscene exposure pursuant to
- 10 NRS 201.220;
- 11 ~~(i)~~ (h) Lewdness with a child pursuant to NRS 201.230;
- 12 ~~(j)~~ (i) Sexual penetration of a dead human body pursuant to
- 13 NRS 201.450;
- 14 ~~(k)~~ (j) Luring a child or person with mental illness pursuant to
- 15 NRS 201.560, if punishable as a felony;
- 16 ~~(l)~~ (k) An attempt to commit an offense listed in paragraphs
- 17 (a) to ~~(k)~~ (j), inclusive; or
- 18 ~~(m)~~ (l) An offense that is determined to be sexually motivated
- 19 pursuant to NRS 175.547.

20 **Sec. 4.** NRS 62H.220 is hereby amended to read as follows:

21 62H.220 1. For each child adjudicated delinquent for an

22 unlawful act that would have been a sexual offense if committed by

23 an adult, the Division of Child and Family Services shall collect

24 from the juvenile courts, local juvenile probation departments and

25 the staff of the youth correctional services, as directed by the

26 Department of Health and Human Services:

- 27 (a) The information listed in NRS 62H.210;
- 28 (b) The name of the child; and
- 29 (c) All information concerning programs of treatment in which
- 30 the child participated that:

- 31 (1) Were directly related to the delinquent act committed by
- 32 the child; or
- 33 (2) Were designed or utilized to prevent the commission of
- 34 another such act by the child in the future.

35 2. The Division of Child and Family Services shall provide the

36 information collected pursuant to subsection 1 to the Director of the

37 Department of Health and Human Services for use in the program

38 established pursuant to NRS 62H.300, 62H.310 and 62H.320.

39 3. Except as otherwise provided in NRS 239.0115, all

40 information containing the name of the child and all information

41 relating to programs of treatment in which the child participated is

42 confidential and must not be used for a purpose other than that

43 provided for in this section and NRS 62H.320.

44 4. As used in this section, "sexual offense" means:

- 45 (a) Sexual assault pursuant to NRS 200.366;



- 1 (b) Statutory sexual seduction pursuant to NRS 200.368;
- 2 (c) Battery with intent to commit sexual assault pursuant to
- 3 NRS 200.400;
- 4 (d) An offense involving pornography and a minor pursuant to
- 5 NRS 200.710 to 200.730, inclusive;
- 6 (e) Incest pursuant to NRS 201.180;
- 7 (f) ~~Solicitation of a minor to engage in acts constituting the~~
- 8 ~~infamous crime against nature pursuant to NRS 201.195;~~
- 9 ~~(g)~~ Open or gross lewdness pursuant to NRS 201.210;
- 10 ~~(h)~~ (g) Indecent or obscene exposure pursuant to
- 11 NRS 201.220;
- 12 ~~(i)~~ (h) Lewdness with a child pursuant to NRS 201.230;
- 13 ~~(j)~~ (i) Sexual penetration of a dead human body pursuant to
- 14 NRS 201.450;
- 15 ~~(k)~~ (j) Luring a child using a computer, system or network
- 16 pursuant to NRS 201.560, if punished as a felony;
- 17 ~~(l)~~ (k) Annoyance or molestation of a minor pursuant to
- 18 NRS 207.260;
- 19 ~~(m)~~ (l) An attempt to commit an offense listed in paragraphs
- 20 (a) to ~~(l)~~ (k), inclusive;
- 21 ~~(n)~~ (m) An offense that is determined to be sexually motivated
- 22 pursuant to NRS 175.547; or
- 23 ~~(o)~~ (n) An offense committed in another jurisdiction that, if
- 24 committed in this State, would have been an offense listed in this
- 25 subsection.

26 **Sec. 5.** NRS 62H.310 is hereby amended to read as follows:

27 62H.310 As used in this section and NRS 62H.300 and

28 62H.320:

29 1. "Juvenile sex offender" means a child adjudicated

30 delinquent for an act that, if committed by an adult, would be a

31 sexual offense.

32 2. "Sexual offense" means:

- 33 (a) Sexual assault pursuant to NRS 200.366;
- 34 (b) Statutory sexual seduction pursuant to NRS 200.368;
- 35 (c) Battery with intent to commit sexual assault pursuant to
- 36 NRS 200.400;
- 37 (d) An offense involving pornography and a minor pursuant to
- 38 NRS 200.710 to 200.730, inclusive;
- 39 (e) Incest pursuant to NRS 201.180;
- 40 (f) ~~Solicitation of a minor to engage in acts constituting the~~
- 41 ~~infamous crime against nature pursuant to NRS 201.195;~~
- 42 ~~(g)~~ Open or gross lewdness pursuant to NRS 201.210;
- 43 ~~(h)~~ (g) Indecent or obscene exposure pursuant to
- 44 NRS 201.220;
- 45 ~~(i)~~ (h) Lewdness with a child pursuant to NRS 201.230;





- 1 ~~(i)~~ (i) Sexual penetration of a dead human body pursuant to  
2 NRS 201.450;
- 3 ~~(j)~~ (j) Luring a child or a person with mental illness pursuant  
4 to NRS 201.560, if punished as a felony;
- 5 ~~(k)~~ (k) An attempt to commit an offense listed in paragraphs  
6 (a) to ~~(j)~~ (j), inclusive;
- 7 ~~(l)~~ (l) An offense that is determined to be sexually motivated  
8 pursuant to NRS 175.547; or
- 9 ~~(m)~~ (m) An offense committed in another jurisdiction that, if  
10 committed in this State, would be an offense listed in this  
11 subsection.

12 **Sec. 6.** NRS 176.0931 is hereby amended to read as follows:

13 176.0931 1. If a defendant is convicted of a sexual offense,  
14 the court shall include in sentencing, in addition to any other  
15 penalties provided by law, a special sentence of lifetime supervision.

16 2. The special sentence of lifetime supervision commences  
17 after any period of probation or any term of imprisonment and any  
18 period of release on parole.

19 3. A person sentenced to lifetime supervision may petition the  
20 sentencing court or the State Board of Parole Commissioners for  
21 release from lifetime supervision. The sentencing court or the Board  
22 shall grant a petition for release from a special sentence of lifetime  
23 supervision if:

24 (a) The person has complied with the requirements of the  
25 provisions of NRS 179D.010 to 179D.550, inclusive;

26 (b) The person has not been convicted of an offense that poses a  
27 threat to the safety or well-being of others for an interval of at least  
28 10 consecutive years after the person's last conviction or release  
29 from incarceration, whichever occurs later; and

30 (c) The person is not likely to pose a threat to the safety of  
31 others, as determined by a person professionally qualified to  
32 conduct psychosexual evaluations, if released from lifetime  
33 supervision.

34 4. A person who is released from lifetime supervision pursuant  
35 to the provisions of subsection 3 remains subject to the provisions  
36 for registration as a sex offender and to the provisions for  
37 community notification, unless the person is otherwise relieved from  
38 the operation of those provisions pursuant to the provisions of NRS  
39 179D.010 to 179D.550, inclusive.

40 5. As used in this section:

41 (a) "Offense that poses a threat to the safety or well-being of  
42 others" includes, without limitation:

43 (1) An offense that involves:

44 (I) A victim less than 18 years of age;



- 1 (II) A crime against a child as defined in  
2 NRS 179D.0357;
- 3 (III) A sexual offense as defined in NRS 179D.097;
- 4 (IV) A deadly weapon, explosives or a firearm;
- 5 (V) The use or threatened use of force or violence;
- 6 (VI) Physical or mental abuse;
- 7 (VII) Death or bodily injury;
- 8 (VIII) An act of domestic violence;
- 9 (IX) Harassment, stalking, threats of any kind or other  
10 similar acts;
- 11 (X) The forcible or unlawful entry of a home, building,  
12 structure, vehicle or other real or personal property; or
- 13 (XI) The infliction or threatened infliction of damage or  
14 injury, in whole or in part, to real or personal property.
- 15 (2) Any offense listed in subparagraph (1) that is committed  
16 in this State or another jurisdiction, including, without limitation, an  
17 offense prosecuted in:
- 18 (I) A tribal court.
- 19 (II) A court of the United States or the Armed Forces of  
20 the United States.
- 21 (b) "Person professionally qualified to conduct psychosexual  
22 evaluations" has the meaning ascribed to it in NRS 176.133.
- 23 (c) "Sexual offense" means:
- 24 (1) A violation of NRS 200.366, subsection 4 of NRS  
25 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,  
26 NRS 201.180, ~~paragraph (a) or subparagraph (2) of paragraph (b)~~  
27 ~~of subsection 1 of NRS 201.195, NRS~~ 201.230 or 201.450 or  
28 paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of  
29 subsection 5 of NRS 201.560;
- 30 (2) An attempt to commit an offense listed in subparagraph  
31 (1); or
- 32 (3) An act of murder in the first or second degree,  
33 kidnapping in the first or second degree, false imprisonment,  
34 burglary or invasion of the home if the act is determined to be  
35 sexually motivated at a hearing conducted pursuant to NRS 175.547.
- 36 **Sec. 7.** NRS 176.133 is hereby amended to read as follows:  
37 176.133 As used in NRS 176.133 to 176.161, inclusive, unless  
38 the context otherwise requires:
- 39 1. "Person professionally qualified to conduct psychosexual  
40 evaluations" means a person who has received training in  
41 conducting psychosexual evaluations and is:
- 42 (a) A psychiatrist licensed to practice medicine in this State and  
43 certified by the American Board of Psychiatry and Neurology, Inc.;
- 44 (b) A psychologist licensed to practice in this State;



1 (c) A social worker holding a master's degree in social work and  
2 licensed in this State as a clinical social worker;

3 (d) A registered nurse holding a master's degree in the field of  
4 psychiatric nursing and licensed to practice professional nursing in  
5 this State;

6 (e) A marriage and family therapist licensed in this State  
7 pursuant to chapter 641A of NRS; or

8 (f) A clinical professional counselor licensed in this State  
9 pursuant to chapter 641A of NRS.

10 2. "Psychosexual evaluation" means an evaluation conducted  
11 pursuant to NRS 176.139.

12 3. "Sexual offense" means:

13 (a) Sexual assault pursuant to NRS 200.366;

14 (b) Statutory sexual seduction pursuant to NRS 200.368, if  
15 punished as a felony;

16 (c) Battery with intent to commit sexual assault pursuant to  
17 NRS 200.400;

18 (d) Abuse of a child pursuant to NRS 200.508, if the abuse  
19 involved sexual abuse or sexual exploitation and is punished as a  
20 felony;

21 (e) An offense involving pornography and a minor pursuant to  
22 NRS 200.710 to 200.730, inclusive;

23 (f) Incest pursuant to NRS 201.180;

24 (g) ~~Solicitation of a minor to engage in acts constituting the~~  
25 ~~infamous crime against nature pursuant to NRS 201.195, if punished~~  
26 ~~as a felony;~~

27 ~~(h)~~ Open or gross lewdness pursuant to NRS 201.210, if  
28 punished as a felony;

29 ~~(i)~~ ~~(h)~~ Indecent or obscene exposure pursuant to NRS  
30 201.220, if punished as a felony;

31 ~~(j)~~ ~~(i)~~ Lewdness with a child pursuant to NRS 201.230;

32 ~~(k)~~ ~~(j)~~ Sexual penetration of a dead human body pursuant to  
33 NRS 201.450;

34 ~~(l)~~ ~~(k)~~ Luring a child or a person with mental illness pursuant  
35 to NRS 201.560, if punished as a felony;

36 ~~(m)~~ ~~(l)~~ An attempt to commit an offense listed in paragraphs  
37 (a) to ~~(i)~~, ~~(k)~~, inclusive, if punished as a felony; or

38 ~~(n)~~ ~~(m)~~ An offense that is determined to be sexually motivated  
39 pursuant to NRS 175.547 or 207.193.

40 **Sec. 8.** NRS 176A.110 is hereby amended to read as follows:

41 176A.110 1. The court shall not grant probation to or  
42 suspend the sentence of a person convicted of an offense listed in  
43 subsection 3 unless:

44 (a) If a psychosexual evaluation of the person is required  
45 pursuant to NRS 176.139, the person who conducts the



1 psychosexual evaluation certifies in the report prepared pursuant to  
2 NRS 176.139 that the person convicted of the offense does not  
3 represent a high risk to reoffend based upon a currently accepted  
4 standard of assessment; or

5 (b) If a psychosexual evaluation of the person is not required  
6 pursuant to NRS 176.139, a psychologist licensed to practice in this  
7 State who is trained to conduct psychosexual evaluations or a  
8 psychiatrist licensed to practice medicine in this State who is  
9 certified by the American Board of Psychiatry and Neurology, Inc.,  
10 and is trained to conduct psychosexual evaluations certifies in a  
11 written report to the court that the person convicted of the offense  
12 does not represent a high risk to reoffend based upon a currently  
13 accepted standard of assessment.

14 2. This section does not create a right in any person to be  
15 certified or to continue to be certified. No person may bring a cause  
16 of action against the State, its political subdivisions, or the agencies,  
17 boards, commissions, departments, officers or employees of the  
18 State or its political subdivisions for not certifying a person pursuant  
19 to this section or for refusing to consider a person for certification  
20 pursuant to this section.

21 3. The provisions of this section apply to a person convicted of  
22 any of the following offenses:

23 (a) Attempted sexual assault of a person who is 16 years of age  
24 or older pursuant to NRS 200.366.

25 (b) Statutory sexual seduction pursuant to NRS 200.368.

26 (c) Battery with intent to commit sexual assault pursuant to  
27 NRS 200.400.

28 (d) Abuse or neglect of a child pursuant to NRS 200.508.

29 (e) An offense involving pornography and a minor pursuant to  
30 NRS 200.710 to 200.730, inclusive.

31 (f) Incest pursuant to NRS 201.180.

32 (g) ~~Solicitation of a minor to engage in acts constituting the~~  
33 ~~infamous crime against nature pursuant to NRS 201.195.~~

34 ~~(h)~~ Open or gross lewdness pursuant to NRS 201.210.

35 ~~(i)~~ (h) Indecent or obscene exposure pursuant to  
36 NRS 201.220.

37 ~~(j)~~ (i) Sexual penetration of a dead human body pursuant to  
38 NRS 201.450.

39 ~~(k)~~ (j) Luring a child or a person with mental illness pursuant  
40 to NRS 201.560, if punished as a felony.

41 ~~(l)~~ (k) A violation of NRS 207.180.

42 ~~(m)~~ (l) An attempt to commit an offense listed in paragraphs  
43 (b) to ~~(t)~~ (k), inclusive.

44 ~~(n)~~ (m) Coercion or attempted coercion that is determined to  
45 be sexually motivated pursuant to NRS 207.193.



1       **Sec. 9.** NRS 178.5698 is hereby amended to read as follows:

2       178.5698 1. The prosecuting attorney, sheriff or chief of  
3 police shall, upon the request of a victim or witness, inform the  
4 victim or witness:

5       (a) When the defendant is released from custody at any time  
6 before or during the trial, including, without limitation, when the  
7 defendant is released pending trial or subject to electronic  
8 supervision;

9       (b) If the defendant is so released, the amount of bail required, if  
10 any; and

11       (c) Of the final disposition of the criminal case in which the  
12 victim or witness was directly involved.

13       2. A request for information pursuant to subsection 1 must be  
14 made:

15       (a) In writing; or

16       (b) By telephone through an automated or computerized system  
17 of notification, if such a system is available.

18       3. If an offender is convicted of a sexual offense or an offense  
19 involving the use or threatened use of force or violence against the  
20 victim, the court shall provide:

21       (a) To each witness, documentation that includes:

22           (1) A form advising the witness of the right to be notified  
23 pursuant to subsection 5;

24           (2) The form that the witness must use to request notification  
25 in writing; and

26           (3) The form or procedure that the witness must use to  
27 provide a change of address after a request for notification has been  
28 submitted.

29       (b) To each person listed in subsection 4, documentation that  
30 includes:

31           (1) A form advising the person of the right to be notified  
32 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,  
33 178.4715, 209.392, 209.3925, 209.521, 213.010, 213.040, 213.095  
34 and 213.131;

35           (2) The forms that the person must use to request  
36 notification; and

37           (3) The forms or procedures that the person must use to  
38 provide a change of address after a request for notification has been  
39 submitted.

40       4. The following persons are entitled to receive documentation  
41 pursuant to paragraph (b) of subsection 3:

42       (a) A person against whom the offense is committed.

43       (b) A person who is injured as a direct result of the commission  
44 of the offense.



1 (c) If a person listed in paragraph (a) or (b) is under the age of  
2 18 years, each parent or guardian who is not the offender.

3 (d) Each surviving spouse, parent and child of a person who is  
4 killed as a direct result of the commission of the offense.

5 (e) A relative of a person listed in paragraphs (a) to (d),  
6 inclusive, if the relative requests in writing to be provided with the  
7 documentation.

8 5. Except as otherwise provided in subsection 6, if the offense  
9 was a felony and the offender is imprisoned, the warden of the  
10 prison shall, if the victim or witness so requests in writing and  
11 provides a current address, notify the victim or witness at that  
12 address when the offender is released from the prison.

13 6. If the offender was convicted of a violation of subsection 3  
14 of NRS 200.366 or a violation of subsection 1, paragraph (a) of  
15 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of  
16 NRS 200.508, the warden of the prison shall notify:

17 (a) The immediate family of the victim if the immediate family  
18 provides their current address;

19 (b) Any member of the victim's family related within the third  
20 degree of consanguinity, if the member of the victim's family so  
21 requests in writing and provides a current address; and

22 (c) The victim, if the victim will be 18 years of age or older at  
23 the time of the release and has provided a current address,  
24 ↪ before the offender is released from prison.

25 7. The warden must not be held responsible for any injury  
26 proximately caused by the failure to give any notice required  
27 pursuant to this section if no address was provided to the warden or  
28 if the address provided is inaccurate or not current.

29 8. As used in this section:

30 (a) "Immediate family" means any adult relative of the victim  
31 living in the victim's household.

32 (b) "Sexual offense" means:

33 (1) Sexual assault pursuant to NRS 200.366;

34 (2) Statutory sexual seduction pursuant to NRS 200.368;

35 (3) Battery with intent to commit sexual assault pursuant to  
36 NRS 200.400;

37 (4) An offense involving pornography and a minor pursuant  
38 to NRS 200.710 to 200.730, inclusive;

39 (5) Incest pursuant to NRS 201.180;

40 (6) ~~Solicitation of a minor to engage in acts constituting the~~  
41 ~~infamous crime against nature pursuant to NRS 201.195;~~

42 ~~(7)~~ (7) Open or gross lewdness pursuant to NRS 201.210;

43 ~~(8)~~ (7) Indecent or obscene exposure pursuant to  
44 NRS 201.220;

45 ~~(9)~~ (8) Lewdness with a child pursuant to NRS 201.230;



1 ~~(10)~~ (9) Sexual penetration of a dead human body pursuant  
2 to NRS 201.450;

3 ~~(11)~~ (10) Luring a child or a person with mental illness  
4 pursuant to NRS 201.560, if punished as a felony;

5 ~~(12)~~ (11) An offense that, pursuant to a specific statute, is  
6 determined to be sexually motivated; or

7 ~~(13)~~ (12) An attempt to commit an offense listed in this  
8 paragraph.

9 **Sec. 10.** NRS 179.245 is hereby amended to read as follows:

10 179.245 1. Except as otherwise provided in subsection 5 and  
11 NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a  
12 person may petition the court in which the person was convicted for  
13 the sealing of all records relating to a conviction of:

14 (a) A category A or B felony after 15 years from the date of  
15 release from actual custody or discharge from parole or probation,  
16 whichever occurs later;

17 (b) A category C or D felony after 12 years from the date of  
18 release from actual custody or discharge from parole or probation,  
19 whichever occurs later;

20 (c) A category E felony after 7 years from the date of release  
21 from actual custody or discharge from parole or probation,  
22 whichever occurs later;

23 (d) Any gross misdemeanor after 7 years from the date of  
24 release from actual custody or discharge from probation, whichever  
25 occurs later;

26 (e) A violation of NRS 484C.110 or 484C.120 other than a  
27 felony, or a battery which constitutes domestic violence pursuant to  
28 NRS 33.018 other than a felony, after 7 years from the date of  
29 release from actual custody or from the date when the person is no  
30 longer under a suspended sentence, whichever occurs later; or

31 (f) Any other misdemeanor after 2 years from the date of release  
32 from actual custody or from the date when the person is no longer  
33 under a suspended sentence, whichever occurs later.

34 2. A petition filed pursuant to subsection 1 must:

35 (a) Be accompanied by current, verified records of the  
36 petitioner's criminal history received from:

37 (1) The Central Repository for Nevada Records of Criminal  
38 History; and

39 (2) The local law enforcement agency of the city or county in  
40 which the conviction was entered;

41 (b) Include a list of any other public or private agency,  
42 company, official or other custodian of records that is reasonably  
43 known to the petitioner to have possession of records of the  
44 conviction and to whom the order to seal records, if issued, will be  
45 directed; and



1 (c) Include information that, to the best knowledge and belief of  
2 the petitioner, accurately and completely identifies the records to be  
3 sealed.

4 3. Upon receiving a petition pursuant to this section, the court  
5 shall notify the law enforcement agency that arrested the petitioner  
6 for the crime and:

7 (a) If the person was convicted in a district court or justice court,  
8 the prosecuting attorney for the county; or

9 (b) If the person was convicted in a municipal court, the  
10 prosecuting attorney for the city.

11 ↪ The prosecuting attorney and any person having relevant  
12 evidence may testify and present evidence at the hearing on the  
13 petition.

14 4. If, after the hearing, the court finds that, in the period  
15 prescribed in subsection 1, the petitioner has not been charged with  
16 any offense for which the charges are pending or convicted of any  
17 offense, except for minor moving or standing traffic violations, the  
18 court may order sealed all records of the conviction which are in the  
19 custody of the court, of another court in the State of Nevada or of a  
20 public or private agency, company or official in the State of Nevada,  
21 and may also order all such criminal identification records of the  
22 petitioner returned to the file of the court where the proceeding was  
23 commenced from, including, but not limited to, the Federal Bureau  
24 of Investigation, the California Bureau of Criminal Identification  
25 and Information, sheriffs' offices and all other law enforcement  
26 agencies reasonably known by either the petitioner or the court to  
27 have possession of such records.

28 5. A person may not petition the court to seal records relating  
29 to a conviction of a crime against a child or a sexual offense.

30 6. If the court grants a petition for the sealing of records  
31 pursuant to this section, upon the request of the person whose  
32 records are sealed, the court may order sealed all records of the civil  
33 proceeding in which the records were sealed.

34 7. As used in this section:

35 (a) "Crime against a child" has the meaning ascribed to it in  
36 NRS 179D.0357.

37 (b) "Sexual offense" means:

38 (1) Murder of the first degree committed in the perpetration  
39 or attempted perpetration of sexual assault or of sexual abuse or  
40 sexual molestation of a child less than 14 years of age pursuant to  
41 paragraph (b) of subsection 1 of NRS 200.030.

42 (2) Sexual assault pursuant to NRS 200.366.

43 (3) Statutory sexual seduction pursuant to NRS 200.368, if  
44 punishable as a felony.





1 (4) Battery with intent to commit sexual assault pursuant to  
2 NRS 200.400.

3 (5) An offense involving the administration of a drug to  
4 another person with the intent to enable or assist the commission of  
5 a felony pursuant to NRS 200.405, if the felony is an offense listed  
6 in this paragraph.

7 (6) An offense involving the administration of a controlled  
8 substance to another person with the intent to enable or assist the  
9 commission of a crime of violence pursuant to NRS 200.408, if the  
10 crime of violence is an offense listed in this paragraph.

11 (7) Abuse of a child pursuant to NRS 200.508, if the abuse  
12 involved sexual abuse or sexual exploitation.

13 (8) An offense involving pornography and a minor pursuant  
14 to NRS 200.710 to 200.730, inclusive.

15 (9) Incest pursuant to NRS 201.180.

16 (10) ~~Solicitation of a minor to engage in acts constituting  
17 the infamous crime against nature pursuant to NRS 201.195.~~

18 ~~(11)~~ Open or gross lewdness pursuant to NRS 201.210, if  
19 punishable as a felony.

20 ~~(12)~~ (11) Indecent or obscene exposure pursuant to NRS  
21 201.220, if punishable as a felony.

22 ~~(13)~~ (12) Lewdness with a child pursuant to NRS 201.230.

23 ~~(14)~~ (13) Sexual penetration of a dead human body  
24 pursuant to NRS 201.450.

25 ~~(15)~~ (14) Luring a child or a person with mental illness  
26 pursuant to NRS 201.560, if punishable as a felony.

27 ~~(16)~~ (15) An attempt to commit an offense listed in  
28 ~~subparagraphs (1) to (15), inclusive.~~ *this paragraph.*

29 **Sec. 11.** NRS 179A.073 is hereby amended to read as follows:  
30 179A.073 1. "Sexual offense" includes acts upon a child  
31 constituting:

32 (a) Sexual assault under NRS 200.366;

33 (b) Statutory sexual seduction under NRS 200.368;

34 (c) Use of a minor in producing pornography under  
35 NRS 200.710;

36 (d) Promotion of a sexual performance of a minor under  
37 NRS 200.720;

38 (e) Possession of a visual presentation depicting the sexual  
39 conduct of a child under NRS 200.730;

40 (f) Incest under NRS 201.180;

41 (g) ~~Solicitation of a minor to engage in the infamous crime  
42 against nature under NRS 201.195;~~

43 ~~(h)~~ Lewdness with a child under NRS 201.230; or

44 ~~(i)~~ (h) Luring a child or a person with mental illness pursuant  
45 to NRS 201.560, if punished as a felony.



1 2. "Sexual offense" also includes acts committed outside the  
2 State that would constitute any of the offenses in subsection 1 if  
3 committed in the State, and the aiding, abetting, attempting or  
4 conspiring to engage in any of the offenses in subsection 1.

5 **Sec. 12.** NRS 179D.097 is hereby amended to read as follows:

6 179D.097 1. "Sexual offense" means any of the following  
7 offenses:

8 (a) Murder of the first degree committed in the perpetration or  
9 attempted perpetration of sexual assault or of sexual abuse or sexual  
10 molestation of a child less than 14 years of age pursuant to  
11 paragraph (b) of subsection 1 of NRS 200.030.

12 (b) Sexual assault pursuant to NRS 200.366.

13 (c) Statutory sexual seduction pursuant to NRS 200.368.

14 (d) Battery with intent to commit sexual assault pursuant to  
15 subsection 4 of NRS 200.400.

16 (e) An offense involving the administration of a drug to another  
17 person with the intent to enable or assist the commission of a felony  
18 pursuant to NRS 200.405, if the felony is an offense listed in this  
19 ~~section.~~ *subsection.*

20 (f) An offense involving the administration of a controlled  
21 substance to another person with the intent to enable or assist the  
22 commission of a crime of violence pursuant to NRS 200.408, if the  
23 crime of violence is an offense listed in this section.

24 (g) Abuse of a child pursuant to NRS 200.508, if the abuse  
25 involved sexual abuse or sexual exploitation.

26 (h) An offense involving pornography and a minor pursuant to  
27 NRS 200.710 to 200.730, inclusive.

28 (i) Incest pursuant to NRS 201.180.

29 ~~(j) Solicitation of a minor to engage in acts constituting the~~  
30 ~~infamous crime against nature pursuant to NRS 201.195.~~

31 ~~(k)~~ Open or gross lewdness pursuant to NRS 201.210.

32 ~~(l)~~ *(k)* Indecent or obscene exposure pursuant to  
33 NRS 201.220.

34 ~~(m)~~ *(l)* Lewdness with a child pursuant to NRS 201.230.

35 ~~(n)~~ *(m)* Sexual penetration of a dead human body pursuant to  
36 NRS 201.450.

37 ~~(o)~~ *(n)* Luring a child or a person with mental illness pursuant  
38 to NRS 201.560, if punished as a felony.

39 ~~(p)~~ *(o)* Any other offense that has an element involving a  
40 sexual act or sexual conduct with another.

41 ~~(q)~~ *(p)* An attempt or conspiracy to commit an offense listed  
42 in paragraphs (a) to ~~(p)~~ *(o)*, inclusive.

43 ~~(r)~~ *(q)* An offense that is determined to be sexually motivated  
44 pursuant to NRS 175.547 or 207.193.



1 ~~(s)~~ (r) An offense committed in another jurisdiction that, if  
2 committed in this State, would be an offense listed in this ~~section.~~  
3 **subsection.** This paragraph includes, without limitation, an offense  
4 prosecuted in:

5 (1) A tribal court.

6 (2) A court of the United States or the Armed Forces of the  
7 United States.

8 ~~(s)~~ (s) An offense of a sexual nature committed in another  
9 jurisdiction, whether or not the offense would be an offense listed in  
10 this section, if the person who committed the offense resides or has  
11 resided or is or has been a student or worker in any jurisdiction in  
12 which the person is or has been required by the laws of that  
13 jurisdiction to register as a sex offender because of the offense. This  
14 paragraph includes, without limitation, an offense prosecuted in:

15 (1) A tribal court.

16 (2) A court of the United States or the Armed Forces of the  
17 United States.

18 (3) A court having jurisdiction over juveniles.

19 2. The term does not include an offense involving consensual  
20 sexual conduct if the victim was:

21 (a) An adult, unless the adult was under the custodial authority  
22 of the offender at the time of the offense; or

23 (b) At least 13 years of age and the offender was not more than  
24 4 years older than the victim at the time of the commission of the  
25 offense.

26 **Sec. 13.** NRS 179D.495 is hereby amended to read as follows:

27 179D.495 If a person who is required to register pursuant to  
28 NRS 179D.010 to 179D.550, inclusive, has been convicted of an  
29 offense described in paragraph ~~(p)~~ (o) of subsection 1 of NRS  
30 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS  
31 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central  
32 Repository shall determine whether the person is required to register  
33 as a Tier I offender, Tier II offender or Tier III offender.

34 **Sec. 14.** NRS 209.385 is hereby amended to read as follows:

35 209.385 1. Each offender committed to the custody of the  
36 Department for imprisonment shall submit to such initial tests as the  
37 Director determines appropriate to detect exposure to the human  
38 immunodeficiency virus. Each such test must be approved by  
39 regulation of the State Board of Health. At the time the offender is  
40 committed to custody and after an incident involving the offender:

41 (a) The appropriate approved tests must be administered; and

42 (b) The offender must receive counseling regarding the virus.

43 2. If the results of an initial test are positive, the offender shall  
44 submit to such supplemental tests as the Director determines



1 appropriate. Each such test must be approved for the purpose by  
2 regulation of the State Board of Health.

3 3. If the results of a supplemental test are positive, the name of  
4 the offender must be disclosed to:

5 (a) The Director;

6 (b) The administrative officers of the Department who are  
7 responsible for the classification and medical treatment of offenders;

8 (c) The manager or warden of the facility or institution at which  
9 the offender is confined; and

10 (d) Each other employee of the Department whose normal duties  
11 involve the employee with the offender or require the employee to  
12 come into contact with the blood or bodily fluids of the offender.

13 4. The offender must be segregated from every other offender  
14 whose test results are negative if:

15 (a) The results of a supplemental test are positive; and

16 (b) The offender engages in behavior that increases the risk of  
17 transmitting the virus, such as battery, ~~the infamous crime against~~  
18 ~~nature,~~ sexual ~~intercourse in its ordinary meaning~~ activity or  
19 illegal intravenous injection of a controlled substance or a dangerous  
20 drug as defined in chapter 454 of NRS.

21 5. The Director, with the approval of the Board:

22 (a) Shall establish for inmates and employees of the Department  
23 an educational program regarding the virus whose curriculum is  
24 provided by the Health Division of the Department of Health and  
25 Human Services. A person who provides instruction for this  
26 program must be certified to do so by the Health Division.

27 (b) May adopt such regulations as are necessary to carry out the  
28 provisions of this section.

29 6. As used in this section ~~†~~:

30 ~~—(a) “incident”~~ , *“incident”* means an occurrence, of a kind  
31 specified by regulation of the State Board of Health, that entails a  
32 significant risk of exposure to the human immunodeficiency virus.

33 ~~†(b) “Infamous crime against nature” means anal intercourse,~~  
34 ~~cunnilingus or fellatio between natural persons of the same sex.†~~

35 **Sec. 15.** NRS 212.187 is hereby amended to read as follows:

36 212.187 1. A prisoner who is in lawful custody or  
37 confinement, other than in the custody of the Division of Parole and  
38 Probation of the Department of Public Safety pursuant to NRS  
39 209.4886 or 209.4888 or residential confinement, and who  
40 voluntarily engages in sexual conduct with another person is guilty  
41 of a category D felony and shall be punished as provided in  
42 NRS 193.130.

43 2. A person who voluntarily engages in sexual conduct with a  
44 prisoner who is in lawful custody or confinement, other than in the  
45 custody of the Division of Parole and Probation of the Department



1 of Public Safety pursuant to NRS 209.4886 or 209.4888 or  
2 residential confinement, is guilty of a category D felony and shall be  
3 punished as provided in NRS 193.130.

4 3. As used in this section, "sexual conduct":

5 (a) Includes acts of masturbation, ~~homosexuality,~~ sexual  
6 ~~intercourse~~ penetration or physical contact with another person's  
7 clothed or unclothed genitals or pubic area to arouse, appeal to or  
8 gratify the sexual desires of a person.

9 (b) Does not include acts of a person who has custody of a  
10 prisoner or an employee of the institution in which the prisoner is  
11 confined that are performed to carry out the necessary duties of such  
12 a person or employee.

13 **Sec. 16.** NRS 213.107 is hereby amended to read as follows:

14 213.107 As used in NRS 213.107 to 213.157, inclusive, unless  
15 the context otherwise requires:

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

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

18 3. "Division" means the Division of Parole and Probation of  
19 the Department of Public Safety.

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

23 5. "Sex offender" means any person who has been or is  
24 convicted of a sexual offense.

25 6. "Sexual offense" means:

26 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,  
27 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS  
28 201.180, ~~paragraph (a) or subparagraph (2) of paragraph (b) of~~  
29 ~~subsection 1 of NRS 201.195, NRS~~ 201.230 or 201.450, or  
30 paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of  
31 subsection 5 of NRS 201.560;

32 (b) An attempt to commit any offense listed in paragraph (a); or

33 (c) An act of murder in the first or second degree, kidnapping in  
34 the first or second degree, false imprisonment, burglary or invasion  
35 of the home if the act is determined to be sexually motivated at a  
36 hearing conducted pursuant to NRS 175.547.

37 7. "Standards" means the objective standards for granting or  
38 revoking parole or probation which are adopted by the Board or the  
39 Chief.

40 **Sec. 17.** NRS 213.1214 is hereby amended to read as follows:

41 213.1214 1. The Board shall not grant parole to or continue  
42 the parole of a prisoner who has served, is serving or has yet to  
43 serve a sentence on his or her current term of imprisonment for  
44 having been convicted of an offense listed in subsection 8 unless a  
45 panel consisting of:



1 (a) The Administrator of the Division of Mental Health and  
2 Developmental Services of the Department of Health and Human  
3 Services or his or her designee;

4 (b) The Director of the Department of Corrections or his or her  
5 designee; and

6 (c) A psychologist licensed to practice in this State or a  
7 psychiatrist licensed to practice medicine in this State,

8 ➤ evaluates the prisoner, within 120 days before a hearing to  
9 consider granting or continuing his or her parole, using a currently  
10 accepted standard of assessment to determine the prisoner's  
11 likelihood to reoffend in a sexual manner. The panel shall provide a  
12 report of its evaluation to the Board before the hearing.

13 2. The Board may require the panel to conduct an evaluation of  
14 a prisoner who is a sex offender if an evaluation may assist the  
15 Board in determining whether parole should be granted or  
16 continued. The panel shall provide a report of its evaluation to the  
17 Board before the hearing to consider granting or continuing the  
18 prisoner's parole.

19 3. This section does not create a right in any prisoner to be  
20 evaluated or reevaluated more frequently than the prisoner's  
21 regularly scheduled parole hearings or under a current or previous  
22 standard of assessment and does not restrict the panel from  
23 conducting additional evaluations of a prisoner if such evaluations  
24 may assist the Board in determining whether parole should be  
25 granted or continued. No cause of action may be brought against the  
26 State, its political subdivisions, or the agencies, boards,  
27 commissions, departments, officers or employees of the State or its  
28 political subdivisions for evaluating, not evaluating or considering  
29 or relying on an evaluation of a prisoner, if such decisions or actions  
30 are made or conducted in compliance with the procedures set forth  
31 in this section.

32 4. The panel shall adopt regulations pertaining to the  
33 evaluation of prisoners subject to the provisions of this section to  
34 determine a prisoner's risk to reoffend in a sexual manner. The  
35 regulations must be adopted in accordance with the provisions of  
36 chapter 233B of NRS and must be codified in the Nevada  
37 Administrative Code.

38 5. The regulations adopted pursuant to subsection 4 must  
39 require that:

40 (a) The evaluation be based on currently accepted standards of  
41 assessment designed to determine the risk of an offender to reoffend  
42 in a sexual manner;

43 (b) The report of the evaluation contain a statement rating the  
44 prisoner as a low, moderate or high risk to reoffend in a sexual  
45 manner; and



1 (c) If the report of the evaluation varies from the standard of  
2 assessment, the panel include a written statement of any mitigating  
3 or aggravating factors which justified such deviation.

4 6. The panel shall:

5 (a) Review the standards of assessment and procedures adopted  
6 by regulation at least once every 3 years; and

7 (b) Make a finding regarding the validity of the use of any  
8 standard of assessment.

9 7. If the panel finds that a standard of assessment is ineffective,  
10 or another standard of assessment is more effective, in predicting  
11 whether a prisoner may reoffend in a sexual manner, the panel may  
12 discontinue the use of the current standard of assessment and adopt  
13 a new standard of assessment that is determined to be more  
14 effective.

15 8. The provisions of this section apply to a prisoner convicted  
16 of any of the following offenses:

17 (a) Sexual assault pursuant to NRS 200.366.

18 (b) Statutory sexual seduction pursuant to NRS 200.368.

19 (c) Battery with intent to commit sexual assault pursuant to  
20 NRS 200.400.

21 (d) Abuse or neglect of a child pursuant to NRS 200.508, if the  
22 abuse involved sexual abuse or sexual exploitation and is punished  
23 as a felony.

24 (e) An offense involving pornography and a minor pursuant to  
25 NRS 200.710 to 200.730, inclusive.

26 (f) Incest pursuant to NRS 201.180.

27 ~~(g) Solicitation of a minor to engage in acts constituting the~~  
28 ~~infamous crime against nature pursuant to NRS 201.195.~~

29 ~~(h)~~ Open or gross lewdness pursuant to NRS 201.210.

30 ~~(i)~~ ~~(h)~~ Indecent or obscene exposure pursuant to  
31 NRS 201.220.

32 ~~(j)~~ ~~(i)~~ Lewdness with a child pursuant to NRS 201.230.

33 ~~(k)~~ ~~(j)~~ Sexual penetration of a dead human body pursuant to  
34 NRS 201.450.

35 ~~(l)~~ ~~(k)~~ Luring a child or a person with mental illness pursuant  
36 to NRS 201.560, if punished as a felony.

37 ~~(m)~~ ~~(l)~~ An attempt to commit an offense listed in paragraphs  
38 (a) to ~~(l)~~ ~~(k)~~, inclusive.

39 ~~(n)~~ ~~(m)~~ An offense that is determined to be sexually motivated  
40 pursuant to NRS 175.547.

41 ~~(o)~~ ~~(n)~~ Coercion or attempted coercion that is determined to  
42 be sexually motivated pursuant to NRS 207.193.

43 9. The Board may adopt by regulation the manner in which the  
44 Board will consider an evaluation prepared pursuant to this section



1 in conjunction with the standards adopted by the Board pursuant to  
2 NRS 213.10885.

3 10. Meetings of a panel pursuant to this section must be  
4 conducted in accordance with the provisions of chapter 241 of NRS.

5 11. As used in this section:

6 (a) "Current term of imprisonment" means one or more  
7 sentences being served concurrently or consecutively with the  
8 sentence first imposed.

9 (b) "Reoffend in a sexual manner" means to commit any offense  
10 listed in subsection 8.

11 (c) "Sex offender" means a person who, after July 1, 1956, is or  
12 has been:

13 (1) Convicted of a sexual offense; or

14 (2) Adjudicated delinquent or found guilty by a court having  
15 jurisdiction over juveniles of a sexual offense listed in subparagraph  
16 ~~(19)~~ (18) of paragraph (d).

17 ↪ The term includes, but is not limited to, a sexually violent  
18 predator or a nonresident sex offender who is a student or worker  
19 within this State.

20 (d) "Sexual offense" means any of the following offenses:

21 (1) Murder of the first degree committed in the perpetration  
22 or attempted perpetration of sexual assault or of sexual abuse or  
23 sexual molestation of a child less than 14 years of age pursuant to  
24 paragraph (b) of subsection 1 of NRS 200.030.

25 (2) Sexual assault pursuant to NRS 200.366.

26 (3) Statutory sexual seduction pursuant to NRS 200.368.

27 (4) Battery with intent to commit sexual assault pursuant to  
28 NRS 200.400.

29 (5) An offense involving the administration of a drug to  
30 another person with the intent to enable or assist the commission of  
31 a felony pursuant to NRS 200.405, if the felony is an offense listed  
32 in this paragraph.

33 (6) An offense involving the administration of a controlled  
34 substance to another person with the intent to enable or assist the  
35 commission of a crime of violence pursuant to NRS 200.408, if the  
36 crime of violence is an offense listed in this paragraph.

37 (7) Abuse of a child pursuant to NRS 200.508, if the abuse  
38 involved sexual abuse or sexual exploitation.

39 (8) An offense involving pornography and a minor pursuant  
40 to NRS 200.710 to 200.730, inclusive.

41 (9) Incest pursuant to NRS 201.180.

42 (10) ~~Solicitation of a minor to engage in acts constituting  
43 the infamous crime against nature pursuant to NRS 201.195.~~

44 ~~(11)~~ Open or gross lewdness pursuant to NRS 201.210.





1 ~~(12)~~ (11) Indecent or obscene exposure pursuant to  
2 NRS 201.220.  
3 ~~(13)~~ (12) Lewdness with a child pursuant to NRS 201.230.  
4 ~~(14)~~ (13) Sexual penetration of a dead human body  
5 pursuant to NRS 201.450.  
6 ~~(15)~~ (14) Luring a child or a person with mental illness  
7 pursuant to NRS 201.560, if punished as a felony.  
8 ~~(16)~~ (15) An attempt or conspiracy to commit an offense  
9 listed in subparagraphs (1) to ~~(15)~~, (14), inclusive.  
10 ~~(17)~~ (16) An offense that is determined to be sexually  
11 motivated pursuant to NRS 175.547 or 207.193.  
12 ~~(18)~~ (17) An offense committed in another jurisdiction  
13 that, if committed in this State, would be an offense listed in this  
14 paragraph. This subparagraph includes, but is not limited to, an  
15 offense prosecuted in:  
16 (I) A tribal court.  
17 (II) A court of the United States or the Armed Forces of  
18 the United States.  
19 ~~(19)~~ (18) An offense of a sexual nature committed in  
20 another jurisdiction, whether or not the offense would be an offense  
21 listed in this paragraph, if the person who committed the offense  
22 resides or has resided or is or has been a student or worker in any  
23 jurisdiction in which the person is or has been required by the laws  
24 of that jurisdiction to register as a sex offender because of the  
25 offense. This subparagraph includes, but is not limited to, an offense  
26 prosecuted in:  
27 (I) A tribal court.  
28 (II) A court of the United States or the Armed Forces of  
29 the United States.  
30 (III) A court having jurisdiction over juveniles.  
31 ➤ The term does not include an offense involving consensual sexual  
32 conduct if the victim was an adult, unless the adult was under the  
33 custodial authority of the offender at the time of the offense, or if  
34 the victim was at least 13 years of age and the offender was not  
35 more than 4 years older than the victim at the time of the  
36 commission of the offense.  
37 **Sec. 18.** NRS 213.1255 is hereby amended to read as follows:  
38 213.1255 1. Except as otherwise provided in subsection 4, in  
39 addition to any conditions of parole required to be imposed pursuant  
40 to NRS 213.1245, as a condition of releasing on parole a prisoner  
41 who was convicted of committing an offense listed in subsection 6  
42 against a child under the age of 14 years and who is a Tier 3  
43 offender, the Board shall require that the parolee:  
44 (a) Reside at a location only if the residence is not located  
45 within 1,000 feet of any place, or if the place is a structure, within



1 1,000 feet of the actual structure, that is designed primarily for use  
2 by or for children, including, without limitation, a public or private  
3 school, a school bus stop, a center or facility that provides day care  
4 services, a video arcade, an amusement park, a playground, a park,  
5 an athletic field or a facility for youth sports, or a motion picture  
6 theater.

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

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

15 2. A parolee placed under the system of active electronic  
16 monitoring pursuant to subsection 1 shall:

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

19 (b) Report any incidental damage or defacement of the  
20 electronic monitoring device to the Division within 2 hours after the  
21 occurrence of the damage or defacement.

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

25 3. Except as otherwise provided in this subsection, a person  
26 who intentionally removes or disables or attempts to remove or  
27 disable an electronic monitoring device placed on a parolee pursuant  
28 to this section is guilty of a gross misdemeanor. The provisions of  
29 this subsection do not prohibit a person authorized by the Division  
30 from performing maintenance or repairs to an electronic monitoring  
31 device.

32 4. The Board is not required to impose a condition of parole  
33 listed in subsection 1 if the Board finds that extraordinary  
34 circumstances are present and the Board states those extraordinary  
35 circumstances in writing.

36 5. In addition to any conditions of parole required to be  
37 imposed pursuant to subsection 1 and NRS 213.1245, as a condition  
38 of releasing on parole a prisoner who was convicted of committing  
39 an offense listed in subsection 6 against a child under the age of 14  
40 years, the Board shall, when appropriate:

41 (a) Require the parolee to participate in psychological  
42 counseling.

43 (b) Prohibit the parolee from being alone with a child unless  
44 another adult who has never been convicted of a sexual offense is  
45 present.



1 6. The provisions of subsections 1 and 5 apply to a prisoner  
2 who was convicted of:

3 (a) Sexual assault pursuant to paragraph (c) of subsection 3 of  
4 NRS 200.366;

5 (b) Abuse or neglect of a child pursuant to subparagraph (1) of  
6 paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a)  
7 of subsection 2 of NRS 200.508;

8 (c) An offense punishable pursuant to subsection 2 of  
9 NRS 200.750;

10 (d) ~~Solicitation of a minor to engage in acts constituting the~~  
11 ~~infamous crime against nature pursuant to subparagraph (1) of~~  
12 ~~paragraph (a) of subsection 1 of NRS 201.195;~~

13 ~~(e)~~ Lewdness with a child pursuant to NRS 201.230;

14 ~~(f)~~ (e) Luring a child or a person with mental illness pursuant  
15 to NRS 201.560, if punished as a felony; or

16 ~~(g)~~ (f) Any combination of the crimes listed in ~~paragraphs (a)~~  
17 ~~to (f) inclusive.~~ **this subsection.**

18 **Sec. 19.** NRS 412.562 is hereby amended to read as follows:

19 412.562 Though not specifically mentioned in this Code, all  
20 disorders and neglects to the prejudice of good order and discipline  
21 in the Nevada National Guard of which persons subject to this Code  
22 may be guilty must be taken cognizance of by a general, special or  
23 summary court-martial, according to the nature and degree of the  
24 offense, and shall be punished at the discretion of that court.  
25 However, cognizance may not be taken and jurisdiction may not be  
26 extended to the crimes of murder, manslaughter, sexual assault,  
27 larceny and wrongful appropriation for value of \$100 and over,  
28 robbery, mayhem, arson, extortion, assault, burglary ~~;~~ **or** invasion  
29 of the home , ~~for the infamous crime against nature,~~ jurisdiction of  
30 which is reserved to civil courts, except as otherwise provided in  
31 NRS 412.322.

32 **Sec. 20.** NRS 201.195 is hereby repealed.

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TEXT OF REPEALED SECTION

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**201.195 Solicitation of minor to engage in acts constituting  
crime against nature; penalties.**

1. A person who incites, entices or solicits a minor to engage in  
acts which constitute the infamous crime against nature:

(a) If the minor actually engaged in such acts as a result and:

(1) The minor was less than 14 years of age, is guilty of a  
category A felony and shall be punished by imprisonment in the



state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

(2) The minor was 14 years of age or older, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

(b) If the minor did not engage in such acts:

(1) For the first offense, is guilty of a gross misdemeanor.

(2) For any subsequent offense, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 5 years has been served.

2. As used in this section, the "infamous crime against nature" means anal intercourse, cunnilingus or fellatio between natural persons of the same sex. Any sexual penetration, however slight, is sufficient to complete the infamous crime against nature.

