

ASSEMBLY BILL NO. 35—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to pornography involving minors. (BDR 15-448)

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

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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; prohibiting a person from receiving, distributing, producing, possessing or accessing any obscene item or material which contains a depiction of a purported child engaging in sexual conduct; providing that a violation of this prohibition constitutes a sexual offense or a violent or sexual offense for the purposes of various statutes; establishing the preferred manner of referring to items or materials that depict or describe a minor engaging in certain sexual conduct; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 In general, existing law prohibits a person from committing certain acts
2 regarding pornography involving minors. (NRS 200.700-200.760) **Section 1** of this
3 bill: (1) prohibits a person from receiving, distributing, producing, possessing or
4 accessing any obscene item or material which the person knows or reasonably
5 should know contains a depiction of a purported child engaging in sexual conduct;
6 and (2) provides that a person who violates this prohibition is guilty of a category B
7 felony. **Section 1** also defines: (1) the term “depiction of a purported child” for
8 purposes of this prohibition to mean a visual representation that appears to depict
9 an actual child but may or may not depict an actual child; and (2) certain other
10 terms relating to the prohibition. **Sections 2-5** of this bill make certain definitions,
11 exemptions and authorizations, which, under existing law, are generally applicable
12 to provisions concerning pornography involving minors, applicable to **section 1**.

13 Existing law: (1) prohibits a court from deferring judgment on a case if the
14 defendant has been convicted of a violent or sexual offense; (2) sets the maximum



15 period of probation or suspension of sentence for a violent or sexual offense at 60
16 months; and (3) prohibits the early discharge from probation of a person convicted
17 of a violent or sexual offense. (NRS 176.211, 176A.500, 176A.840, 202.876)
18 Existing law also requires a person to report certain violent or sexual offenses
19 against a child to a law enforcement agency under certain circumstances. (NRS
20 202.882) **Section 6** of this bill makes a violation of **section 1** a violent or sexual
21 offense for purposes of these provisions.

22 Existing law prohibits a court from ordering a victim of or a witness to certain
23 sexual offenses to take or submit to a psychological or psychiatric examination.
24 (NRS 50.700) **Section 7** of this bill applies this prohibition to a victim of or a
25 witness to a violation of **section 1**.

26 Existing law defines the term "sexual offense" for the purposes of certain
27 provisions which prohibit a person convicted of a sexual offense from obtaining
28 certain licenses or employment or receiving certain services to include an offense
29 involving pornography and a minor. (NRS 62B.270, 62G.223, 424.031, 424.145,
30 432A.170, 432A.1755, 432B.198, 432B.199, 433B.183) **Sections 8, 12, 13 and 32-**
31 **37** of this bill revise the list of sexual offenses to which these statutory provisions
32 apply to include a violation of **section 1**.

33 **Section 9** of this bill requires a district attorney to provide certain
34 documentation to a victim of a violation of **section 1** and, if the victim is less than
35 18 years of age, to his or her parent or guardian. (NRS 62C.120)

36 **Section 10** of this bill makes certain restrictions concerning attendance in
37 school which are applicable to juveniles who are adjudicated delinquent for
38 committing sexual offenses applicable to a juvenile who is adjudicated delinquent
39 for committing a violation of **section 1**. (NRS 62F.100-62F.150) **Section 11** of this
40 bill makes certain registration and community notification requirements which are
41 applicable to juveniles who are adjudicated delinquent for committing sexual
42 offenses applicable to a juvenile who is adjudicated delinquent for committing a
43 violation of **section 1**. (NRS 62F.205-62F.360)

44 Under existing law, the fingerprints of a child who is taken into custody for an
45 unlawful act that, if committed by an adult, would have been a sexual offense, must
46 be taken, retained locally and submitted to the Central Repository for Nevada
47 Records of Criminal History under certain circumstances. (NRS 62H.010) **Section**
48 **14** of this bill makes these requirements applicable to a child who is taken into
49 custody for a violation of **section 1**.

50 Existing law requires the Director of the Department of Health and Human
51 Services to establish a program to compile and analyze data concerning juvenile
52 sex offenders. (NRS 62H.320) Existing law also requires the Division of Child and
53 Family Services of the Department to: (1) collect certain information concerning
54 each child adjudicated delinquent for committing a sexual offense; and (2) provide
55 the information collected by the Division to the Director for use in the program.
56 (NRS 62H.210, 62H.220, 62H.320) **Sections 15 and 16** of this bill add a violation
57 of **section 1** to the list of sexual offenses to which these requirements apply.
58 **Sections 15 and 16** thereby require the Division to collect and provide to the
59 Department certain information concerning a child who is adjudicated delinquent
60 for a violation of **section 1**.

61 Existing law: (1) requires that a person convicted of certain sexual offenses
62 undergo a psychosexual evaluation as part of the presentence investigation report
63 prepared by the Division of Parole and Probation of the Department of Public
64 Safety; and (2) prohibits a court from granting probation to or suspending the
65 sentence of a person convicted of certain sexual offenses, unless the person who
66 conducts the psychosexual evaluation certifies that the person convicted of the
67 sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110)
68 **Sections 18 and 19** of this bill add a violation of **section 1** to the list of sexual
69 offenses that require a psychosexual evaluation to be conducted and for which a



70 court is prohibited from granting probation to or suspending the sentence of a
71 person, unless the person who conducts the psychosexual evaluation certifies that
72 the person does not represent a high risk to reoffend.

73 Existing law requires a court that grants probation to or suspends the sentence
74 of certain persons convicted of an offense that involved pornography and a minor to
75 order, as a condition of probation or suspension, that the person not own or use a
76 computer. (NRS 176A.413) **Section 20** of this bill adds a violation of **section 1** to
77 the list of offenses for which a court is required to issue such an order. Existing law
78 similarly requires the State Board of Parole Commissioners to require that certain
79 persons convicted of an offense that involved pornography and a minor not own or
80 use a computer. (NRS 213.1258) **Section 26** of this bill adds a violation of **section**
81 **1** to the list of offenses for which the Board is required to impose this condition of
82 parole.

83 Existing law requires a court to provide certain documentation to certain
84 persons if an offender is convicted of certain sexual offenses. (NRS 178.5698)
85 **Section 21** of this bill requires that such documentation be provided to such persons
86 if an offender is convicted of a violation of **section 1**. **Section 22** of this bill makes
87 the provisions of law which prohibit a person convicted of a sexual offense from
88 petitioning a court to seal the records relating to such a conviction applicable to a
89 person convicted of a violation of **section 1**. (NRS 179.245)

90 Existing law authorizes the Central Repository and its employees to inquire into
91 and inspect certain sealed records that constitute information relating to sexual
92 offenses and to notify employers of the information in accordance with federal laws
93 and regulations. (NRS 179.301) **Section 23** of this bill revises the list of sexual
94 offenses to which this provision applies to include a violation of **section 1**.

95 Existing law defines the term "sexual offense" for the purpose of requiring
96 persons convicted of certain sexual offenses to be prohibited from certain
97 employment, to register as a sex offender, to comply with certain mandatory
98 conditions of probation or parole and to fulfill certain other requirements. (NRS
99 118A.335, 176.0913, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099,
100 213.1245) **Section 24** of this bill revises the list of sexual offenses to which these
101 statutory provisions apply to include a violation of **section 1**. **Section 25** of this bill
102 designates an offender convicted of a violation of **section 1** a Tier II offender for
103 the purpose of certain requirements relating to registration as a sex offender.

104 **Sections 27-29** of this bill make a minor who was the victim of a violation of
105 **section 1** or a parent or guardian of any such minor eligible to apply for
106 compensation from the Fund for the Compensation of Victims of Crime for certain
107 expenses and losses. (NRS 217.010-217.270)

108 **Sections 30 and 31** of this bill establish the preferred manner of referring to
109 items or materials that depict or describe a minor as the subject of a sexual
110 portrayal or engaging in or simulating, or assisting others to engage in or simulate
111 sexual conduct in the Nevada Revised Statutes and the Nevada Administrative
112 Code. **Sections 6-29 and 32-37** make conforming changes to replace words and
113 terms that are not preferred for use in the Nevada Revised Statutes, including the
114 term "child pornography" and various related terms, with the term "child sexual
115 abuse material" in accordance with **section 30**.



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

1 **Section 1.** Chapter 200 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 **1. A person shall not receive, distribute, produce, possess or**
4 **access in any way, with the intent to view, any obscene item or**
5 **material which he or she knows or reasonably should know**
6 **contains a depiction of a purported child engaging in sexual**
7 **conduct.**

8 **2. Unless a greater penalty is provided in NRS 200.725, a**
9 **person who violates the provisions of subsection 1 is guilty of a**
10 **category B felony and shall be punished by imprisonment in the**
11 **state prison for a minimum term of not less than 1 year and a**
12 **maximum term of not more than 6 years, and may be further**
13 **punished by a fine of not more than \$5,000.**

14 **3. As used in this section:**

15 **(a) "Child" means a person who is less than 18 years of age.**

16 **(b) "Depiction of a purported child" means a visual**
17 **representation that appears to depict an actual child but may or**
18 **may not depict an actual child.**

19 **(c) "Obscene" means any item or material which:**

20 **(1) An average person applying contemporary community**
21 **standards would find, taken as a whole, appeals to prurient**
22 **interest and lacks serious literary, artistic, political or scientific**
23 **value; and**

24 **(2) Depicts sexual conduct in a patently offensive way.**

25 **Sec. 2.** NRS 200.700 is hereby amended to read as follows:

26 200.700 As used in NRS 200.700 to 200.760, inclusive, **and**
27 **section 1 of this act**, unless the context otherwise requires:

28 1. "Performance" means any play, film, photograph, computer-
29 generated image, electronic representation, dance or other visual
30 presentation.

31 2. "Promote" means to produce, direct, procure, manufacture,
32 sell, give, lend, publish, distribute, exhibit, advertise or possess for
33 the purpose of distribution.

34 3. "Sexual conduct" means sexual intercourse, lewd exhibition
35 of the genitals, fellatio, cunnilingus, bestiality, anal intercourse,
36 excretion, sado-masochistic abuse, masturbation, or the penetration
37 of any part of a person's body or of any object manipulated or
38 inserted by a person into the genital or anal opening of the body of
39 another.

40 4. "Sexual portrayal" means the depiction of a person in a
41 manner which appeals to the prurient interest in sex and which does
42 not have serious literary, artistic, political or scientific value.



1 **Sec. 3.** NRS 200.735 is hereby amended to read as follows:
2 200.735 The provisions of NRS 200.710 to 200.730, inclusive,
3 *and section 1 of this act* do not apply to law enforcement personnel
4 during the investigation or prosecution of a violation of the
5 provisions of NRS 200.710 to 200.730, inclusive ~~[-]~~, *and section 1*
6 *of this act.*

7 **Sec. 4.** NRS 200.740 is hereby amended to read as follows:
8 200.740 For the purposes of NRS 200.710 to 200.737,
9 inclusive, *and section 1 of this act*, to determine whether a person
10 was a minor, the court or jury may:

- 11 1. Inspect the person in question;
- 12 2. View the performance;
- 13 3. Consider the opinion of a witness to the performance
14 regarding the person's age;
- 15 4. Consider the opinion of a medical expert who viewed the
16 performance; or
- 17 5. Use any other method authorized by the rules of evidence at
18 common law.

19 **Sec. 5.** NRS 200.760 is hereby amended to read as follows:
20 200.760 All assets derived from or relating to any violation of
21 NRS 200.366, 200.710 to 200.730, inclusive, *and section 1 of this*
22 *act* or 201.230 are subject to forfeiture. A proceeding for their
23 forfeiture may be brought pursuant to NRS 179.1156 to 179.1205,
24 inclusive.

25 **Sec. 6.** NRS 202.876 is hereby amended to read as follows:
26 202.876 "Violent or sexual offense" means any act that, if
27 prosecuted in this State, would constitute any of the following
28 offenses:

- 29 1. Murder or voluntary manslaughter pursuant to NRS 200.010
30 to 200.260, inclusive.
- 31 2. Mayhem pursuant to NRS 200.280.
- 32 3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
- 33 4. Sexual assault pursuant to NRS 200.366.
- 34 5. Robbery pursuant to NRS 200.380.
- 35 6. Administering poison or another noxious or destructive
36 substance or liquid with intent to cause death pursuant to
37 NRS 200.390.
- 38 7. Battery with intent to commit a crime pursuant to
39 NRS 200.400.
- 40 8. Administering a drug or controlled substance to another
41 person with the intent to enable or assist the commission of a felony
42 or crime of violence pursuant to NRS 200.405 or 200.408.
- 43 9. False imprisonment pursuant to NRS 200.460 if the false
44 imprisonment involves the use or threatened use of force or violence



1 against the victim or the use or threatened use of a firearm or a
2 deadly weapon.

3 10. Assault with a deadly weapon pursuant to NRS 200.471.

4 11. Battery which is committed with the use of a deadly
5 weapon or which results in substantial bodily harm as described in
6 NRS 200.481 or battery which is committed by strangulation as
7 described in NRS 200.481 or 200.485.

8 12. An offense involving ~~[pornography and a minor]~~ *child*
9 *sexual abuse material* pursuant to NRS 200.710 ~~[or 200.720.]~~ *to*
10 *200.730, inclusive, and section 1 of this act.*

11 13. Open or gross lewdness pursuant to NRS 201.210.

12 14. Lewdness with a child pursuant to NRS 201.230.

13 15. An offense involving pandering or sex trafficking in
14 violation of NRS 201.300, prostitution in violation of NRS 201.320
15 or advancing prostitution in violation of NRS 201.395.

16 16. 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 17. An attempt, conspiracy or solicitation to commit an offense
20 listed in this section.

21 **Sec. 7.** NRS 50.700 is hereby amended to read as follows:

22 50.700 1. In any criminal or juvenile delinquency action
23 relating to the commission of a sexual offense, a court may not order
24 the victim of or a witness to the sexual offense to take or submit to a
25 psychological or psychiatric examination.

26 2. The court may exclude the testimony of a licensed
27 psychologist, psychiatrist or clinical social worker who performed a
28 psychological or psychiatric examination on the victim or witness if:

29 (a) There is a prima facie showing of a compelling need for an
30 additional psychological or psychiatric examination of the victim or
31 witness by a licensed psychologist, psychiatrist or clinical social
32 worker; and

33 (b) The victim or witness refuses to submit to an additional
34 psychological or psychiatric examination by a licensed psychologist,
35 psychiatrist or clinical social worker.

36 3. In determining whether there is a prima facie showing of a
37 compelling need for an additional psychological or psychiatric
38 examination of the victim or witness pursuant to subsection 2, the
39 court must consider whether:

40 (a) There is a reasonable basis for believing that the mental or
41 emotional state of the victim or witness may have affected his or her
42 ability to perceive and relate events relevant to the criminal
43 prosecution; and

44 (b) Any corroboration of the offense exists beyond the
45 testimony of the victim or witness.



1 4. If the court determines there is a prima facie showing of a
2 compelling need for an additional psychological or psychiatric
3 examination of the victim or witness, the court shall issue a factual
4 finding that details with particularity the reasons why an additional
5 psychological or psychiatric examination of the victim or witness is
6 warranted.

7 5. If the court issues a factual finding pursuant to subsection 4
8 and the victim or witness consents to an additional psychological or
9 psychiatric examination, the court shall set the parameters for the
10 examination consistent with the purpose of determining the ability
11 of the victim or witness to perceive and relate events relevant to the
12 criminal prosecution.

13 6. As used in this section, "sexual offense" includes, without
14 limitation:

15 (a) An offense that is found to be sexually motivated pursuant to
16 NRS 175.547 or 207.193;

17 (b) Sexual assault pursuant to NRS 200.366;

18 (c) Statutory sexual seduction pursuant to NRS 200.368;

19 (d) Battery with intent to commit sexual assault pursuant to
20 NRS 200.400;

21 (e) Abuse of a child pursuant to NRS 200.508, if the abuse
22 involved sexual abuse or sexual exploitation;

23 (f) An offense involving ~~[pornography and a minor]~~ *child*
24 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
25 inclusive ~~[§]~~, *and section 1 of this act;*

26 (g) Fertility fraud pursuant to paragraph (a) of subsection 1 of
27 NRS 200.975;

28 (h) Incest pursuant to NRS 201.180;

29 (i) Open or gross lewdness pursuant to NRS 201.210;

30 (j) Indecent or obscene exposure pursuant to NRS 201.220;

31 (k) Lewdness with a child pursuant to NRS 201.230;

32 (l) Pandering or sex trafficking of a child pursuant to
33 NRS 201.300;

34 (m) An offense involving the administration of a drug to another
35 person with the intent to enable or assist the commission of a felony
36 pursuant to NRS 200.405, if the felony is an offense listed in this
37 section;

38 (n) An offense involving the administration of a controlled
39 substance to another person with the intent to enable or assist the
40 commission of a crime of violence pursuant to NRS 200.408, if the
41 crime of violence is an offense listed in this section;

42 (o) Sexual penetration of a dead human body pursuant to
43 NRS 201.450;

44 (p) A violation of NRS 201.553;



1 (q) Luring a child or a person with mental illness pursuant to
2 NRS 201.560;

3 (r) Any other offense that has an element involving a sexual act
4 or sexual conduct with another person; or

5 (s) Any attempt or conspiracy to commit an offense listed in this
6 subsection.

7 **Sec. 8.** NRS 62B.270 is hereby amended to read as follows:

8 62B.270 1. A public institution or agency to which a juvenile
9 court commits a child or the licensing authority of a private
10 institution to which a juvenile court commits a child, including,
11 without limitation, a facility for the detention of children, shall
12 secure from appropriate law enforcement agencies information on
13 the background and personal history of each employee of the
14 institution or agency to determine:

15 (a) Whether the employee has been convicted of:

16 (1) Murder, voluntary manslaughter, involuntary
17 manslaughter or mayhem;

18 (2) Any other felony involving the use or threatened use of
19 force or violence or the use of a firearm or other deadly weapon;

20 (3) Assault with intent to kill or to commit sexual assault or
21 mayhem;

22 (4) Battery which results in substantial bodily harm to the
23 victim;

24 (5) Battery that constitutes domestic violence that is
25 punishable as a felony;

26 (6) Battery that constitutes domestic violence, other than a
27 battery described in subparagraph (5), within the immediately
28 preceding 3 years;

29 (7) Sexual assault, statutory sexual seduction, incest,
30 lewdness, indecent exposure, an offense involving ~~pornography and~~
31 ~~a minor~~ *child sexual abuse material* or any other sexually related
32 crime;

33 (8) A crime involving pandering or prostitution, including,
34 without limitation, a violation of any provision of NRS 201.295 to
35 201.440, inclusive, other than a violation of NRS 201.354 or
36 201.353 by engaging in prostitution;

37 (9) Abuse or neglect of a child, including, without limitation,
38 a violation of any provision of NRS 200.508 or 200.5083;

39 (10) A violation of any federal or state law regulating the
40 possession, distribution or use of any controlled substance or any
41 dangerous drug as defined in chapter 454 of NRS within the
42 immediately preceding 3 years;

43 (11) A violation of any federal or state law prohibiting
44 driving or being in actual physical control of a vehicle while under



1 the influence of intoxicating liquor or a controlled substance that is
2 punishable as a felony;

3 (12) A violation of any federal or state law prohibiting
4 driving or being in actual physical control of a vehicle while under
5 the influence of intoxicating liquor or a controlled substance, other
6 than a violation described in subparagraph (11), within the
7 immediately preceding 3 years;

8 (13) Abuse, neglect, exploitation, isolation or abandonment
9 of older persons or vulnerable persons, including, without
10 limitation, a violation of any provision of NRS 200.5091 to
11 200.50995, inclusive, or a law of any other jurisdiction that
12 prohibits the same or similar conduct; or

13 (14) Any offense involving arson, fraud, theft,
14 embezzlement, burglary, robbery, fraudulent conversion,
15 misappropriation of property or perjury within the immediately
16 preceding 7 years; or

17 (b) Whether there are criminal charges pending against the
18 employee for a crime listed in paragraph (a).

19 2. An employee of the public or private institution or agency
20 must submit to the public institution or agency or the licensing
21 authority, as applicable, a complete set of fingerprints and written
22 authorization to forward those fingerprints to the Central Repository
23 for Nevada Records of Criminal History for submission to the
24 Federal Bureau of Investigation for its report.

25 3. The public institution or agency or the licensing authority, as
26 applicable, may exchange with the Central Repository or the Federal
27 Bureau of Investigation any information concerning the fingerprints
28 submitted.

29 4. The public institution or agency or the licensing authority, as
30 applicable, may charge an employee investigated pursuant to this
31 section for the reasonable cost of that investigation.

32 5. When a report from the Federal Bureau of Investigation is
33 received by the Central Repository, the Central Repository shall
34 immediately forward a copy of the report to the public institution or
35 agency or the licensing authority, as applicable, for a determination
36 of whether the employee has criminal charges pending against him
37 or her for a crime listed in paragraph (a) of subsection 1 or has been
38 convicted of a crime listed in paragraph (a) of subsection 1.

39 6. A person who is required to submit to an investigation
40 required pursuant to this section shall not have contact with a child
41 without supervision in a public or private institution or agency to
42 which a juvenile court commits a child, including, without
43 limitation, a facility for the detention of children, before the
44 investigation of the background and personal history of the person
45 has been conducted.



1 7. The public institution or agency or the licensing authority, as
2 applicable, shall conduct an investigation of each employee of the
3 institution or agency pursuant to this section at least once every 5
4 years after the initial investigation.

5 8. For the purposes of this section, the period during which
6 criminal charges are pending against an employee for a crime listed
7 in paragraph (a) of subsection 1 begins when the employee is
8 arrested for such a crime and ends when:

9 (a) A determination is made as to the guilt or innocence of the
10 employee with regard to such a crime at a trial or by a plea; or

11 (b) The prosecuting attorney makes a determination to:

12 (1) Decline charging the employee with a crime listed in
13 paragraph (a) of subsection 1; or

14 (2) Proceed with charges against the employee for only one
15 or more crimes not listed in paragraph (a) of subsection 1.

16 **Sec. 9.** NRS 62C.120 is hereby amended to read as follows:

17 62C.120 1. If a petition filed pursuant to the provisions of
18 this title contains allegations that a child committed an unlawful act
19 which would have been a sexual offense if committed by an adult or
20 which involved the use or threatened use of force or violence against
21 the victim, the district attorney shall provide to the victim and, if the
22 victim is less than 18 years of age, to the parent or guardian of the
23 victim, as soon as practicable after the petition is filed,
24 documentation that includes:

25 (a) A form advising the victim and the parent or guardian of the
26 victim of their rights pursuant to the provisions of this title; and

27 (b) The form or procedure that must be used to request
28 disclosure pursuant to NRS 62D.440.

29 2. As used in this section, "sexual offense" means:

30 (a) Sexual assault pursuant to NRS 200.366;

31 (b) Battery with intent to commit sexual assault pursuant to
32 NRS 200.400;

33 (c) An offense involving ~~pornography and a minor~~ *child*
34 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
35 inclusive ~~§~~, *and section 1 of this act*;

36 (d) Open or gross lewdness pursuant to NRS 201.210;

37 (e) Indecent or obscene exposure pursuant to NRS 201.220;

38 (f) Lewdness with a child pursuant to NRS 201.230;

39 (g) Sexual penetration of a dead human body pursuant to
40 NRS 201.450;

41 (h) Luring a child or person with mental illness pursuant to NRS
42 201.560, if punishable as a felony; or

43 (i) An attempt to commit an offense listed in this subsection.



1 **Sec. 10.** NRS 62F.100 is hereby amended to read as follows:
2 62F.100 As used in NRS 62F.100 to 62F.150, inclusive, unless
3 the context otherwise requires, “sexual offense” means:

- 4 1. Sexual assault pursuant to NRS 200.366;
- 5 2. Battery with intent to commit sexual assault pursuant to
6 NRS 200.400;
- 7 3. An offense involving ~~pornography and a minor~~ *child*
8 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
9 inclusive ~~§~~, *and section 1 of this act*;
- 10 4. Open or gross lewdness pursuant to NRS 201.210, if
11 punishable as a felony;
- 12 5. Indecent or obscene exposure pursuant to NRS 201.220, if
13 punishable as a felony;
- 14 6. Lewdness with a child pursuant to NRS 201.230;
- 15 7. Sexual penetration of a dead human body pursuant to
16 NRS 201.450;
- 17 8. Luring a child or person with mental illness pursuant to NRS
18 201.560, if punishable as a felony; or
- 19 9. An attempt to commit an offense listed in this section, if
20 punishable as a felony.

21 **Sec. 11.** NRS 62F.225 is hereby amended to read as follows:

- 22 62F.225 1. “Sexual offense” means:
- 23 (a) Sexual assault pursuant to NRS 200.366;
 - 24 (b) An offense involving ~~pornography and a minor~~ *child*
25 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
26 inclusive ~~§~~, *and section 1 of this act*;
 - 27 (c) Lewdness with a child pursuant to NRS 201.230;
 - 28 (d) An attempt or conspiracy to commit an offense listed in
29 paragraph (a), (b) or (c), if punishable as a felony;
 - 30 (e) An offense that is determined to be sexually motivated
31 pursuant to NRS 175.547 or 207.193; or
 - 32 (f) An aggravated sexual offense.
- 33 2. The term does not include an offense involving consensual
34 sexual conduct if the victim was:
- 35 (a) An adult, unless the adult was under the custodial authority
36 of the offender at the time of the offense; or
 - 37 (b) At least 13 years of age and the offender was not more than
38 4 years older than the victim at the time of the commission of the
39 offense.

40 **Sec. 12.** NRS 62G.223 is hereby amended to read as follows:

- 41 62G.223 1. A department of juvenile justice services shall
42 secure from appropriate law enforcement agencies information on
43 the background and personal history of each applicant for
44 employment with the department of juvenile justice services, and



1 each employee of the department of juvenile justice services, to
2 determine:

3 (a) Whether the applicant or employee has been convicted of:

4 (1) Murder, voluntary manslaughter, involuntary
5 manslaughter or mayhem;

6 (2) Any felony involving the use or threatened use of force or
7 violence or the use of a firearm or other deadly weapon;

8 (3) Assault with intent to kill or to commit sexual assault or
9 mayhem;

10 (4) Battery which results in substantial bodily harm to the
11 victim;

12 (5) Battery that constitutes domestic violence that is
13 punishable as a felony;

14 (6) Battery that constitutes domestic violence, other than a
15 battery described in subparagraph (5), within the immediately
16 preceding 3 years;

17 (7) Sexual assault, statutory sexual seduction, incest,
18 lewdness, indecent exposure or an offense involving ~~[pornography~~
19 ~~and a minor.]~~ *child sexual abuse material*;

20 (8) A crime involving pandering or prostitution, including,
21 without limitation, a violation of any provision of NRS 201.295 to
22 201.440, inclusive;

23 (9) Abuse or neglect of a child, including, without limitation,
24 a violation of any provision of NRS 200.508 or 200.5083 or
25 contributory delinquency;

26 (10) A violation of any federal or state law regulating the
27 possession, distribution or use of any controlled substance or any
28 dangerous drug as defined in chapter 454 of NRS;

29 (11) A violation of any federal or state law prohibiting
30 driving or being in actual physical control of a vehicle while under
31 the influence of intoxicating liquor or a controlled substance that is
32 punishable as a felony;

33 (12) A violation of any federal or state law prohibiting
34 driving or being in actual physical control of a vehicle while under
35 the influence of intoxicating liquor or a controlled substance, other
36 than a violation described in subparagraph (11), within the
37 immediately preceding 3 years;

38 (13) Abuse, neglect, exploitation, isolation or abandonment
39 of older persons or vulnerable persons, including, without
40 limitation, a violation of any provision of NRS 200.5091 to
41 200.50995, inclusive, or a law of any other jurisdiction that
42 prohibits the same or similar conduct; or

43 (14) Any offense involving arson, fraud, theft,
44 embezzlement, burglary, robbery, fraudulent conversion,



1 misappropriation of property or perjury within the immediately
2 preceding 7 years; or

3 (b) Whether there are criminal charges pending against the
4 applicant or employee for a violation of an offense listed in
5 paragraph (a).

6 2. A department of juvenile justice services shall request
7 information from:

8 (a) The Statewide Central Registry concerning an applicant for
9 employment with the department of juvenile justice services, or an
10 employee of the department of juvenile justice services, to
11 determine whether there has been a substantiated report of child
12 abuse or neglect made against the applicant or employee; and

13 (b) The central registry of information concerning the abuse or
14 neglect of a child established by any other state in which the
15 applicant or employee resided within the immediately preceding 5
16 years to ensure satisfactory clearance with that registry.

17 3. Each applicant for employment with the department of
18 juvenile justice services, and each employee of the department of
19 juvenile justice services, must submit to the department of juvenile
20 justice services:

21 (a) A complete set of his or her fingerprints and written
22 authorization to forward those fingerprints to the Central Repository
23 for Nevada Records of Criminal History for submission to the
24 Federal Bureau of Investigation for its report; and

25 (b) Written authorization for the department of juvenile justice
26 services to obtain any information that may be available from the
27 Statewide Central Registry or the central registry of information
28 concerning the abuse or neglect of a child established by any other
29 state in which the applicant or employee resided within the
30 immediately preceding 5 years.

31 4. The department of juvenile justice services may exchange
32 with the Central Repository or the Federal Bureau of Investigation
33 any information concerning the fingerprints submitted pursuant to
34 this section.

35 5. When a report from the Federal Bureau of Investigation is
36 received by the Central Repository, the Central Repository shall
37 immediately forward a copy of the report to the department of
38 juvenile justice services for a determination of whether the applicant
39 or employee has criminal charges pending against him or her for a
40 crime listed in paragraph (a) of subsection 1 or has been convicted
41 of a crime listed in paragraph (a) of subsection 1.

42 6. A department of juvenile justice services shall conduct an
43 investigation of each employee of the department pursuant to this
44 section at least once every 5 years after the initial investigation.



1 7. As used in this section, "Statewide Central Registry" means
2 the Statewide Central Registry for the Collection of Information
3 Concerning the Abuse or Neglect of a Child established by
4 NRS 432.100.

5 **Sec. 13.** NRS 62G.353 is hereby amended to read as follows:

6 62G.353 1. A department of juvenile justice services shall
7 secure from appropriate law enforcement agencies information on
8 the background and personal history of each applicant for
9 employment with the department of juvenile justice services, and
10 each employee of the department of juvenile justice services, to
11 determine:

12 (a) Whether the applicant or employee has been convicted of:

13 (1) Murder, voluntary manslaughter, involuntary
14 manslaughter or mayhem;

15 (2) Any felony involving the use or threatened use of force or
16 violence or the use of a firearm or other deadly weapon;

17 (3) Assault with intent to kill or to commit sexual assault or
18 mayhem;

19 (4) Battery which results in substantial bodily harm to the
20 victim;

21 (5) Battery that constitutes domestic violence that is
22 punishable as a felony;

23 (6) Battery that constitutes domestic violence, other than a
24 battery described in subparagraph (5), within the immediately
25 preceding 3 years;

26 (7) Sexual assault, statutory sexual seduction, incest,
27 lewdness, indecent exposure or an offense involving ~~pornography~~
28 ~~and a minor;~~ *child sexual abuse material;*

29 (8) A crime involving pandering or prostitution, including,
30 without limitation, a violation of any provision of NRS 201.295 to
31 201.440, inclusive;

32 (9) Abuse or neglect of a child, including, without limitation,
33 a violation of any provision of NRS 200.508 or 200.5083 or
34 contributory delinquency;

35 (10) A violation of any federal or state law regulating the
36 possession, distribution or use of any controlled substance or any
37 dangerous drug as defined in chapter 454 of NRS;

38 (11) A violation of any federal or state law prohibiting
39 driving or being in actual physical control of a vehicle while under
40 the influence of intoxicating liquor or a controlled substance that is
41 punishable as a felony;

42 (12) A violation of any federal or state law prohibiting
43 driving or being in actual physical control of a vehicle while under
44 the influence of intoxicating liquor or a controlled substance, other



1 than a violation described in subparagraph (11), within the
2 immediately preceding 3 years;

3 (13) Abuse, neglect, exploitation, isolation or abandonment
4 of older persons or vulnerable persons, including, without
5 limitation, a violation of any provision of NRS 200.5091 to
6 200.50995, inclusive, or a law of any other jurisdiction that
7 prohibits the same or similar conduct; or

8 (14) Any offense involving arson, fraud, theft,
9 embezzlement, burglary, robbery, fraudulent conversion,
10 misappropriation of property or perjury within the immediately
11 preceding 7 years; or

12 (b) Whether there are criminal charges pending against the
13 applicant or employee for a violation of an offense listed in
14 paragraph (a).

15 2. A department of juvenile justice services shall request
16 information from:

17 (a) The Statewide Central Registry concerning an applicant for
18 employment with the department of juvenile justice services, or an
19 employee of the department of juvenile justice services, to
20 determine whether there has been a substantiated report of child
21 abuse or neglect made against the applicant or employee; and

22 (b) The central registry of information concerning the abuse or
23 neglect of a child established by any other state in which the
24 applicant or employee resided within the immediately preceding 5
25 years to ensure satisfactory clearance with that registry.

26 3. Each applicant for employment with the department of
27 juvenile justice services, and each employee of the department of
28 juvenile justice services, must submit to the department of juvenile
29 justice services:

30 (a) A complete set of his or her fingerprints and written
31 authorization to forward those fingerprints to the Central Repository
32 for Nevada Records of Criminal History for submission to the
33 Federal Bureau of Investigation for its report; and

34 (b) Written authorization for the department of juvenile justice
35 services to obtain any information that may be available from the
36 Statewide Central Registry or the central registry of information
37 concerning the abuse or neglect of a child established by any other
38 state in which the applicant or employee resided within the
39 immediately preceding 5 years.

40 4. The department of juvenile justice services may exchange
41 with the Central Repository or the Federal Bureau of Investigation
42 any information concerning the fingerprints submitted pursuant to
43 this section.

44 5. When a report from the Federal Bureau of Investigation is
45 received by the Central Repository, the Central Repository shall



1 immediately forward a copy of the report to the department of
2 juvenile justice services for a determination of whether the applicant
3 or employee has criminal charges pending against him or her for a
4 crime listed in paragraph (a) of subsection 1 or has been convicted
5 of a crime listed in paragraph (a) of subsection 1.

6 6. A department of juvenile justice services shall conduct an
7 investigation of each employee of the department pursuant to this
8 section at least once every 5 years after the initial investigation.

9 7. As used in this section, "Statewide Central Registry" means
10 the Statewide Central Registry for the Collection of Information
11 Concerning the Abuse or Neglect of a Child established by
12 NRS 432.100.

13 **Sec. 14.** NRS 62H.010 is hereby amended to read as follows:

14 62H.010 1. The fingerprints of a child must be taken if the
15 child is in custody for an unlawful act that, if committed by an adult,
16 would have been:

17 (a) A felony, gross misdemeanor or sexual offense; or

18 (b) A misdemeanor and the unlawful act involved:

19 (1) The use or threatened use of force or violence against the
20 victim; or

21 (2) The possession, use or threatened use of a firearm or a
22 deadly weapon.

23 2. The fingerprints of a child who is in custody but who is not
24 subject to the provisions of subsection 1 may be taken if a law
25 enforcement officer finds latent fingerprints during the investigation
26 of an offense and the officer has reason to believe that the latent
27 fingerprints are those of the child. The officer shall use the
28 fingerprints taken from the child to make an immediate comparison
29 with the latent fingerprints. If the comparison is:

30 (a) Negative, the fingerprint card and other copies of the
31 fingerprints taken may be immediately destroyed or may be retained
32 for future use.

33 (b) Positive, the fingerprint card and other copies of the
34 fingerprints:

35 (1) Must be delivered to the juvenile court for disposition if
36 the child is referred to the juvenile court.

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

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

41 (a) May be retained in a local file or a local system for the
42 automatic retrieval of fingerprints if they are retained under special
43 security measures that limit inspection of the fingerprints to law
44 enforcement officers who are conducting criminal investigations. If
45 the child from whom the fingerprints are taken subsequently is not



1 adjudicated delinquent, the parent or guardian of the child or, when
2 the child becomes at least 18 years of age, the child may petition the
3 juvenile court for the removal of the fingerprints from any local file
4 or local system.

5 (b) Must be submitted to the Central Repository if the child is
6 adjudicated delinquent for an unlawful act that would have been a
7 felony or a sexual offense if committed by an adult, and may be
8 submitted to the Central Repository for any other act. Any such
9 fingerprints submitted to the Central Repository must be submitted
10 with a description of the child and the unlawful act, if any, that the
11 child committed. The Central Repository shall retain the fingerprints
12 and information of the child under special security measures that
13 limit inspection of the fingerprints and the information to:

14 (1) Law enforcement officers who are conducting criminal
15 investigations; and

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

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

23 4. A child who is in custody must be photographed for the
24 purpose of identification. Except as otherwise provided in this
25 subsection, the photographs of the child must be kept in the file
26 pertaining to the child under special security measures which
27 provide that the photographs may be inspected only to conduct
28 criminal investigations and photographic lineups. If the juvenile
29 court subsequently determines that the child is not delinquent, the
30 juvenile court shall order the photographs to be destroyed.

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

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

34 (a) Sexual assault pursuant to NRS 200.366;

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

36 (c) Battery with intent to commit sexual assault pursuant to
37 NRS 200.400;

38 (d) An offense involving ~~[pornography and a minor]~~ **child**
39 **sexual abuse material** pursuant to NRS 200.710 to 200.730,
40 inclusive ~~[]~~, **and section 1 of this act;**

41 (e) Incest pursuant to NRS 201.180;

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

43 (g) Indecent or obscene exposure pursuant to NRS 201.220;

44 (h) Lewdness with a child pursuant to NRS 201.230;



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

3 (j) Luring a child or person with mental illness pursuant to NRS
4 201.560, if punishable as a felony;

5 (k) An attempt to commit an offense listed in paragraphs (a) to
6 (j), inclusive; or

7 (l) An offense that is determined to be sexually motivated
8 pursuant to NRS 175.547.

9 **Sec. 15.** NRS 62H.220 is hereby amended to read as follows:

10 62H.220 1. For each child adjudicated delinquent for an
11 unlawful act that would have been a sexual offense if committed by
12 an adult, the Division of Child and Family Services shall collect
13 from the juvenile courts, local juvenile probation departments and
14 the staff of the youth correctional services, as directed by the
15 Department of Health and Human Services:

16 (a) The information listed in NRS 62H.210;

17 (b) The name of the child; and

18 (c) All information concerning programs of treatment in which
19 the child participated that:

20 (1) Were directly related to the delinquent act committed by
21 the child; or

22 (2) Were designed or utilized to prevent the commission of
23 another such act by the child in the future.

24 2. The Division of Child and Family Services shall provide the
25 information collected pursuant to subsection 1 to the Director of the
26 Department of Health and Human Services for use in the program
27 established pursuant to NRS 62H.300, 62H.310 and 62H.320.

28 3. Except as otherwise provided in NRS 239.0115, all
29 information containing the name of the child and all information
30 relating to programs of treatment in which the child participated is
31 confidential and must not be used for a purpose other than that
32 provided for in this section and NRS 62H.320.

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

34 (a) Sexual assault pursuant to NRS 200.366;

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

36 (c) Battery with intent to commit sexual assault pursuant to
37 NRS 200.400;

38 (d) An offense involving ~~pornography and a minor~~ *child*
39 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
40 inclusive ~~§~~, *and section 1 of this act*;

41 (e) Incest pursuant to NRS 201.180;

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

43 (g) Indecent or obscene exposure pursuant to NRS 201.220;

44 (h) Lewdness with a child pursuant to NRS 201.230;



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

3 (j) Luring a child using a computer, system or network pursuant
4 to NRS 201.560, if punished as a felony;

5 (k) Annoyance or molestation of a minor pursuant to
6 NRS 207.260;

7 (l) An attempt to commit an offense listed in paragraphs (a) to
8 (k), inclusive;

9 (m) An offense that is determined to be sexually motivated
10 pursuant to NRS 175.547; or

11 (n) An offense committed in another jurisdiction that, if
12 committed in this State, would have been an offense listed in this
13 subsection.

14 **Sec. 16.** NRS 62H.310 is hereby amended to read as follows:

15 62H.310 As used in this section and NRS 62H.300 and
16 62H.320:

17 1. "Juvenile sex offender" means a child adjudicated
18 delinquent for an act that, if committed by an adult, would be a
19 sexual offense.

20 2. "Sexual offense" means:

21 (a) Sexual assault pursuant to NRS 200.366;

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

23 (c) Battery with intent to commit sexual assault pursuant to
24 NRS 200.400;

25 (d) An offense involving ~~pornography and a minor~~ *child*
26 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
27 inclusive ~~{ }~~, *and section 1 of this act;*

28 (e) Incest pursuant to NRS 201.180;

29 (f) Open or gross lewdness pursuant to NRS 201.210;

30 (g) Indecent or obscene exposure pursuant to NRS 201.220;

31 (h) Lewdness with a child pursuant to NRS 201.230;

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

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

36 (k) An attempt to commit an offense listed in paragraphs (a) to
37 (j), inclusive;

38 (l) An offense that is determined to be sexually motivated
39 pursuant to NRS 175.547; or

40 (m) An offense committed in another jurisdiction that, if
41 committed in this State, would be an offense listed in this
42 subsection.

43 **Sec. 17.** NRS 127.1869 is hereby amended to read as follows:

44 127.1869 1. If the court determines that tribal customary
45 adoption is in the best interests, as described in NRS 125E.230, of a



1 ward who is an Indian child and the Indian child's tribe consents to
2 the tribal customary adoption:

3 (a) The appropriate agency which provides child welfare
4 services shall provide the Indian child's tribe and proposed tribal
5 customary adoptive parents with a written report on the Indian child,
6 including, without limitation, to the extent not otherwise prohibited
7 by state or federal law, the medical background, if known, of the
8 Indian child's parents, and the Indian child's educational
9 information, developmental history and medical background,
10 including all known diagnostic information, current medical reports
11 and any psychological evaluations.

12 (b) The court shall accept a tribal customary adoptive home
13 study conducted by the Indian child's tribe if the home study:

14 (1) Includes federal criminal background checks, including
15 reports of child abuse, that meet the standards applicable under the
16 laws of this State for all other proposed adoptive placements;

17 (2) Uses the prevailing social and cultural standards of the
18 Indian child's tribe as the standards for evaluation of the proposed
19 adoptive placement;

20 (3) Includes an evaluation of the background, safety and
21 health information of the proposed adoptive placement, including
22 the biological, psychological and social factors of the proposed
23 adoptive placement and assessment of the commitment, capability
24 and suitability of the proposed adoptive placement to meet the
25 Indian child's needs; and

26 (4) Except where the proposed adoptive placement is the
27 Indian child's current foster care placement, is completed before the
28 placement of the Indian child in the proposed adoptive placement.

29 (c) Notwithstanding subsection 2, the court may not accept the
30 tribe's order or judgment of tribal customary adoption if any adult
31 living in the proposed adoptive placement has a felony conviction
32 for child abuse or neglect, spousal abuse, crimes against a child,
33 including child ~~pornography,~~ *sexual abuse material*, or a crime
34 involving violence. The Division shall, by regulation, define "crime
35 involving violence" for the purposes of this paragraph. The
36 definition must include rape, sexual assault and homicide, but must
37 not include other physical assault or battery.

38 2. The court shall accept an order or judgment for tribal
39 customary adoption that is filed by the Indian child's tribe if:

40 (a) The court determines that tribal customary adoption is an
41 appropriate permanent placement option for the Indian child;

42 (b) The court finds that the tribal customary adoption is in the
43 Indian child's best interests, as described in NRS 125E.230; and

44 (c) The order or judgment:



1 (1) Includes a description of the modification of the legal
2 relationship of the Indian child's parents or Indian custodian and the
3 Indian child, including any contact between the Indian child and
4 the Indian child's parents or Indian custodian, responsibilities of the
5 Indian child's parents or Indian custodian and the rights of
6 inheritance of the parents and Indian child;

7 (2) Includes a description of the Indian child's legal
8 relationship with the tribe; and

9 (3) Does not include any child support obligation from the
10 Indian child's parents or Indian custodian.

11 ➤ The court shall afford full faith and credit to a tribal customary
12 adoption order or judgment that is accepted under this subsection.

13 3. A tribal customary adoptive parent is not required to file a
14 petition for adoption when the court accepts a tribal customary
15 adoption order or judgment under subsection 2. The clerk of the
16 court may not charge or collect a fee for a proceeding under this
17 subsection.

18 4. After accepting a tribal customary adoption order or
19 judgment under subsection 2, the court that accepted the order or
20 judgment shall proceed as provided in NRS 127.150 and enter an
21 order or decree of adoption. In addition to the requirements under
22 NRS 127.151, the order or decree of adoption must include a
23 statement that any parental rights or obligations not specified in the
24 order or decree are transferred to the tribal customary adoptive
25 parents and a description of any parental rights or duties retained by
26 the Indian child's parents, the rights of inheritance of the parents
27 and Indian child and the Indian child's legal relationship with the
28 child's tribe.

29 5. A tribal customary adoption under this section does not
30 require the consent of the Indian child or the child's parents.

31 6. Upon the court's entry of an order or decree of adoption
32 under this section, the court's jurisdiction over the Indian child
33 terminates.

34 7. Any parental rights or obligations not specifically retained
35 by the Indian child's parents in the order or decree of adoption are
36 conclusively presumed to transfer to the tribal customary adoptive
37 parents.

38 8. This section remains operative only to the extent that
39 compliance with the provisions of this section do not conflict with
40 federal law as a condition of receiving funding under Title IV-E of
41 the Social Security Act, 42 U.S.C. §§ ~~601~~ 670 et seq.

42 9. The Division shall adopt regulations requiring that any
43 report regarding a ward who is an Indian child that an agency which
44 provides child welfare services submits to the court, including any
45 home studies, placement reports or other reports required by law



1 must address tribal customary adoption as a permanency option. The
2 Supreme Court may adopt rules necessary for the court processes to
3 implement the provisions of this section, and the Court
4 Administrator may prepare necessary forms for the implementation
5 of this section.

6 10. As used in this section, “tribal customary adoption” means
7 the adoption of an Indian child, by and through the tribal custom,
8 traditions or law of the child’s tribe, and which may be effected
9 without the termination of parental rights.

10 **Sec. 18.** NRS 176.133 is hereby amended to read as follows:

11 176.133 As used in NRS 176.133 to 176.161, inclusive, unless
12 the context otherwise requires:

13 1. “Person professionally qualified to conduct psychosexual
14 evaluations” means a person who has received training in
15 conducting psychosexual evaluations and is:

16 (a) A psychiatrist licensed to practice medicine in this State and
17 certified by the American Board of Psychiatry and Neurology, Inc.;

18 (b) A psychologist licensed to practice in this State;

19 (c) A social worker holding a master’s degree in social work and
20 licensed in this State as a clinical social worker;

21 (d) A registered nurse holding a master’s degree in the field of
22 psychiatric nursing and licensed to practice professional nursing in
23 this State;

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

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

28 2. “Psychosexual evaluation” means an evaluation conducted
29 pursuant to NRS 176.139.

30 3. “Sexual offense” means:

31 (a) Sexual assault pursuant to NRS 200.366;

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

34 (c) Battery with intent to commit sexual assault pursuant to
35 NRS 200.400;

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

39 (e) An offense involving ~~pornography and a minor~~ *child*
40 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
41 inclusive ~~§~~, and *section 1 of this act*;

42 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of
43 NRS 200.975;

44 (g) Incest pursuant to NRS 201.180;



1 (h) Open or gross lewdness pursuant to NRS 201.210, if
2 punished as a felony;

3 (i) Indecent or obscene exposure pursuant to NRS 201.220, if
4 punished as a felony;

5 (j) Lewdness with a child pursuant to NRS 201.230;

6 (k) Soliciting a child for prostitution pursuant to NRS 201.354;

7 (l) Sexual penetration of a dead human body pursuant to
8 NRS 201.450;

9 (m) Sexual conduct between certain employees of a school or
10 volunteers at a school and a pupil pursuant to NRS 201.540;

11 (n) Sexual conduct between certain employees of a college or
12 university and a student pursuant to NRS 201.550;

13 (o) Luring a child or a person with mental illness pursuant to
14 NRS 201.560, if punished as a felony;

15 (p) An attempt to commit an offense listed in paragraphs (a) to
16 (o), inclusive, if punished as a felony; or

17 (q) An offense that is determined to be sexually motivated
18 pursuant to NRS 175.547 or 207.193.

19 **Sec. 19.** NRS 176A.110 is hereby amended to read as follows:

20 176A.110 1. The court shall not grant probation to or
21 suspend the sentence of a person convicted of an offense listed in
22 subsection 3 unless:

23 (a) If a psychosexual evaluation of the person is required
24 pursuant to NRS 176.139, the person who conducts the
25 psychosexual evaluation certifies in the report prepared pursuant to
26 NRS 176.139 that the person convicted of the offense does not
27 represent a high risk to reoffend based upon a currently accepted
28 standard of assessment; or

29 (b) If a psychosexual evaluation of the person is not required
30 pursuant to NRS 176.139, a psychologist licensed to practice in this
31 State who is trained to conduct psychosexual evaluations or a
32 psychiatrist licensed to practice medicine in this State who is
33 certified by the American Board of Psychiatry and Neurology, Inc.,
34 and is trained to conduct psychosexual evaluations certifies in a
35 written report to the court that the person convicted of the offense
36 does not represent a high risk to reoffend based upon a currently
37 accepted standard of assessment.

38 2. This section does not create a right in any person to be
39 certified or to continue to be certified. No person may bring a cause
40 of action against the State, its political subdivisions, or the agencies,
41 boards, commissions, departments, officers or employees of the
42 State or its political subdivisions for not certifying a person pursuant
43 to this section or for refusing to consider a person for certification
44 pursuant to this section.



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

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

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

6 (c) Battery with intent to commit sexual assault pursuant to
7 NRS 200.400.

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

9 (e) An offense involving ~~[pornography and a minor]~~ *child*
10 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
11 inclusive ~~[]~~, and *section 1 of this act*.

12 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of
13 NRS 200.975.

14 (g) Incest pursuant to NRS 201.180.

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

16 (i) Indecent or obscene exposure pursuant to NRS 201.220.

17 (j) Soliciting a child for prostitution pursuant to NRS 201.354.

18 (k) Sexual penetration of a dead human body pursuant to
19 NRS 201.450.

20 (l) Sexual conduct between certain employees of a school or
21 volunteers at a school and a pupil pursuant to NRS 201.540.

22 (m) Sexual conduct between certain employees of a college or
23 university and a student pursuant to NRS 201.550.

24 (n) Luring a child or a person with mental illness pursuant to
25 NRS 201.560, if punished as a felony.

26 (o) A violation of NRS 207.180.

27 (p) An attempt to commit an offense listed in paragraphs (b) to
28 (o), inclusive.

29 (q) Coercion or attempted coercion that is determined to be
30 sexually motivated pursuant to NRS 207.193.

31 **Sec. 20.** NRS 176A.413 is hereby amended to read as follows:

32 176A.413 1. Except as otherwise provided in subsection 2, if
33 a defendant is convicted of stalking with the use of an Internet or
34 network site, electronic mail, text messaging or any other similar
35 means of communication pursuant to subsection 4 of NRS 200.575,
36 an offense involving ~~[pornography and a minor]~~ *child sexual abuse*
37 *material* pursuant to NRS 200.710 to 200.730, inclusive, and
38 *section 1 of this act*, luring a child or a person with mental illness
39 through the use of a computer, system or network pursuant to
40 paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation
41 of NRS 201.553 which involved the use of an electronic
42 communication device and the court grants probation or suspends
43 the sentence, the court shall, in addition to any other condition
44 ordered pursuant to NRS 176A.400, order as a condition of
45 probation or suspension that the defendant not own or use a



1 computer, including, without limitation, use electronic mail, a chat
2 room or the Internet.

3 2. The court is not required to impose a condition of probation
4 or suspension of sentence set forth in subsection 1 if the court finds
5 that:

6 (a) The use of a computer by the defendant will assist a law
7 enforcement agency or officer in a criminal investigation;

8 (b) The defendant will use the computer to provide
9 technological training concerning technology of which the
10 defendant has a unique knowledge; or

11 (c) The use of the computer by the defendant will assist
12 companies that require the use of the specific technological
13 knowledge of the defendant that is unique and is otherwise
14 unavailable to the company.

15 3. Except as otherwise provided in subsection 1, if a defendant
16 is convicted of an offense that involved the use of a computer,
17 system or network and the court grants probation or suspends the
18 sentence, the court may, in addition to any other condition ordered
19 pursuant to NRS 176A.400, order as a condition of probation or
20 suspension that the defendant not own or use a computer, including,
21 without limitation, use electronic mail, a chat room or the Internet.

22 4. As used in this section:

23 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
24 and includes, without limitation, an electronic communication
25 device.

26 (b) "Electronic communication device" has the meaning
27 ascribed to it in NRS 200.737.

28 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

29 (d) "System" has the meaning ascribed to it in NRS 205.476.

30 (e) "Text messaging" has the meaning ascribed to it in
31 NRS 200.575.

32 **Sec. 21.** NRS 178.5698 is hereby amended to read as follows:

33 178.5698 1. The prosecuting attorney, sheriff or chief of
34 police shall, upon the request of a victim or witness, inform the
35 victim or witness:

36 (a) When the defendant is released from custody at any time
37 before or during the trial, including, without limitation, when the
38 defendant is released pending trial or subject to electronic
39 supervision;

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

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

44 2. A request for information pursuant to subsection 1 must be
45 made:



- 1 (a) In writing; or
2 (b) By telephone through an automated or computerized system
3 of notification, if such a system is available.

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

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

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

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

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

15 (b) To each person listed in subsection 4, documentation that
16 includes:

17 (1) A form advising the person of the right to be notified
18 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,
19 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010,
20 213.040, 213.095 and 213.131 or NRS 213.10915;

21 (2) The forms that the person must use to request
22 notification; and

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

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

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

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

31 (c) If a person listed in paragraph (a) or (b) is under the age of
32 18 years, each parent or guardian who is not the offender.

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

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

38 5. Except as otherwise provided in subsection 6, if the offense
39 was a felony and the offender is imprisoned, the warden of the
40 prison shall, if the victim or witness so requests in writing and
41 provides a current address, notify the victim or witness at that
42 address when the offender is released from the prison.

43 6. If the offender was convicted of a violation of subsection 3
44 of NRS 200.366 or a violation of subsection 1, paragraph (a) of



1 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of
2 NRS 200.508, the warden of the prison shall notify:

3 (a) The immediate family of the victim if the immediate family
4 provides their current address;

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

8 (c) The victim, if the victim will be 18 years of age or older at
9 the time of the release and has provided a current address,

10 ↪ before the offender is released from prison.

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

15 8. As used in this section:

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

18 (b) "Sexual offense" means:

19 (1) Sexual assault pursuant to NRS 200.366;

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

21 (3) Battery with intent to commit sexual assault pursuant to
22 NRS 200.400;

23 (4) An offense involving ~~[pornography and a minor]~~ *child*
24 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
25 inclusive ~~[§]~~, and *section 1 of this act*;

26 (5) Fertility fraud pursuant to paragraph (a) of subsection 1
27 of NRS 200.975;

28 (6) Incest pursuant to NRS 201.180;

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

30 (8) Indecent or obscene exposure pursuant to NRS 201.220;

31 (9) Lewdness with a child pursuant to NRS 201.230;

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

34 (11) Sexual conduct between certain employees of a school
35 or volunteers at a school and a pupil pursuant to NRS 201.540;

36 (12) Sexual conduct between certain employees of a college
37 or university and a student pursuant to NRS 201.550;

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

40 (14) An offense that, pursuant to a specific statute, is
41 determined to be sexually motivated; or

42 (15) An attempt to commit an offense listed in this
43 paragraph.



1 **Sec. 22.** NRS 179.245 is hereby amended to read as follows:

2 179.245 1. Except as otherwise provided in subsection 6 and
3 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
4 201.354 and 453.3365, a person may petition the court in which the
5 person was convicted for the sealing of all records relating to a
6 conviction of:

7 (a) A category A felony, a crime of violence or residential
8 burglary pursuant to NRS 205.060 after 10 years from the date of
9 release from actual custody or discharge from parole or probation,
10 whichever occurs later;

11 (b) Except as otherwise provided in paragraphs (a) and (e), a
12 category B, C or D felony after 5 years from the date of release from
13 actual custody or discharge from parole or probation, whichever
14 occurs later;

15 (c) A category E felony after 2 years from the date of release
16 from actual custody or discharge from parole or probation,
17 whichever occurs later;

18 (d) Except as otherwise provided in paragraph (e), any gross
19 misdemeanor after 2 years from the date of release from actual
20 custody or discharge from probation, whichever occurs later;

21 (e) A violation of NRS 422.540 to 422.570, inclusive, a
22 violation of NRS 484C.110 or 484C.120 other than a felony, or a
23 battery which constitutes domestic violence pursuant to NRS 33.018
24 other than a felony, after 7 years from the date of release from actual
25 custody or from the date when the person is no longer under a
26 suspended sentence, whichever occurs later;

27 (f) Except as otherwise provided in paragraph (e), if the offense
28 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
29 harassment pursuant to NRS 200.571, stalking pursuant to NRS
30 200.575 or a violation of a temporary or extended order for
31 protection, after 2 years from the date of release from actual custody
32 or from the date when the person is no longer under a suspended
33 sentence, whichever occurs later; or

34 (g) Any other misdemeanor after 1 year from the date of release
35 from actual custody or from the date when the person is no longer
36 under a suspended sentence, whichever occurs later.

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

38 (a) Be accompanied by the petitioner's current, verified records
39 received from the Central Repository for Nevada Records of
40 Criminal History;

41 (b) If the petition references NRS 453.3365, include a certificate
42 of acknowledgment or the disposition of the proceedings for the
43 records to be sealed from all agencies of criminal justice which
44 maintain such records;



1 (c) Include a list of any other public or private agency, company,
2 official or other custodian of records that is reasonably known to the
3 petitioner to have possession of records of the conviction and to
4 whom the order to seal records, if issued, will be directed;

5 (d) Include information that, to the best knowledge and belief of
6 the petitioner, accurately and completely identifies the records to be
7 sealed, including, without limitation, the:

8 (1) Date of birth of the petitioner;

9 (2) Specific conviction to which the records to be sealed
10 pertain; and

11 (3) Date of arrest relating to the specific conviction to which
12 the records to be sealed pertain; and

13 (e) If applicable, include a statement from the petitioner
14 certifying that at the time the crime for which the records to be
15 sealed was committed, the petitioner was being sex trafficked
16 pursuant to NRS 201.300.

17 3. Upon receiving a petition pursuant to this section, the court
18 shall notify the law enforcement agency that arrested the petitioner
19 for the crime and the prosecuting attorney, including, without
20 limitation, the Attorney General, who prosecuted the petitioner for
21 the crime. The prosecuting attorney and any person having relevant
22 evidence may testify and present evidence at any hearing on the
23 petition.

24 4. If the prosecuting agency that prosecuted the petitioner for
25 the crime stipulates to the sealing of the records, the court shall
26 apply the presumption set forth in NRS 179.2445 and seal the
27 records. If the prosecuting agency does not stipulate to the sealing of
28 the records or does not file a written objection within 30 days after
29 receiving notification pursuant to subsection 3 and the court makes
30 the findings set forth in subsection 5, the court may order the sealing
31 of the records in accordance with subsection 5 without a hearing. If
32 the court does not order the sealing of the records or the prosecuting
33 agency files a written objection, a hearing on the petition must be
34 conducted. At the hearing, unless an objecting party presents
35 evidence sufficient to rebut the presumption set forth in NRS
36 179.2445, the court shall apply the presumption and seal the records.

37 5. If the court finds that, in the period prescribed in subsection
38 1, the petitioner has not been charged with any offense for which the
39 charges are pending or convicted of any offense, except for minor
40 moving or standing traffic violations, the court may order sealed all
41 records of the conviction which are in the custody of any agency of
42 criminal justice or any public or private agency, company, official
43 or other custodian of records in the State of Nevada, and may also
44 order all such records of the petitioner returned to the file of the
45 court where the proceeding was commenced from, including,



1 without limitation, the Federal Bureau of Investigation and all other
2 agencies of criminal justice which maintain such records and which
3 are reasonably known by either the petitioner or the court to have
4 possession of such records.

5 6. A person may not petition the court to seal records relating
6 to a conviction of:

7 (a) A crime against a child;

8 (b) A sexual offense;

9 (c) Invasion of the home with a deadly weapon pursuant to
10 NRS 205.067;

11 (d) A violation of NRS 484C.110 or 484C.120 that is punishable
12 as a felony pursuant to paragraph (c) of subsection 1 of
13 NRS 484C.400;

14 (e) A violation of NRS 484C.430;

15 (f) A homicide resulting from driving or being in actual physical
16 control of a vehicle while under the influence of intoxicating liquor
17 or a controlled substance or resulting from any other conduct
18 prohibited by NRS 484C.110, 484C.130 or 484C.430;

19 (g) A violation of NRS 488.410 that is punishable as a felony
20 pursuant to NRS 488.427; or

21 (h) A violation of NRS 488.420 or 488.425.

22 7. The provisions of paragraph (e) of subsection 1 and
23 paragraph (d) of subsection 6 must not be construed to preclude a
24 person from being able to petition the court to seal records relating
25 to a conviction for a violation of NRS 484C.110 or 484C.120
26 pursuant to this section if the person was found guilty of a violation
27 of NRS 484C.110 or 484C.120 that is punishable pursuant to:

28 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or

29 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a
30 judgment of conviction entered against him or her for a violation of
31 paragraph (b) of subsection 1 of NRS 484C.400 because the person
32 participated in the statewide sobriety and drug monitoring program
33 established pursuant to NRS 484C.392.

34 8. If the court grants a petition for the sealing of records
35 pursuant to this section, upon the request of the person whose
36 records are sealed, the court may order sealed all records of the civil
37 proceeding in which the records were sealed.

38 9. Notwithstanding any other provision of law, no fee may be
39 charged by any court or agency of criminal justice in this State
40 related to a petition for the sealing of records pursuant to this section
41 if, at the time the crime for which the records to be sealed was
42 committed, the petitioner was being sex trafficked pursuant to NRS
43 201.300. As used in this subsection, "fee" includes, without
44 limitation, any fee to file a petition, obtain fingerprints if provided
45 by a governmental agency of this State, obtain any records of



1 criminal history, obtain records of past arrests and convictions or
2 obtain or certify copies of documents pursuant to NRS 19.013 and
3 any other fee related to the sealing of records pursuant to this
4 section.

5 10. As used in this section:

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

8 (b) "Sexual offense" means:

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

13 (2) Sexual assault pursuant to NRS 200.366.

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

16 (4) Battery with intent to commit sexual assault pursuant to
17 NRS 200.400.

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

22 (6) An offense involving the administration of a controlled
23 substance to another person with the intent to enable or assist the
24 commission of a crime of violence, if the crime of violence is an
25 offense listed in this paragraph.

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

28 (8) An offense involving ~~[pornography and a minor]~~ *child*
29 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
30 inclusive ~~[,]~~, and *section 1 of this act*.

31 (9) Fertility fraud pursuant to paragraph (a) of subsection 1
32 of NRS 200.975.

33 (10) Incest pursuant to NRS 201.180.

34 (11) Open or gross lewdness pursuant to NRS 201.210, if
35 punishable as a felony.

36 (12) Indecent or obscene exposure pursuant to NRS 201.220,
37 if punishable as a felony.

38 (13) Lewdness with a child pursuant to NRS 201.230.

39 (14) Sexual penetration of a dead human body pursuant to
40 NRS 201.450.

41 (15) Sexual conduct between certain employees of a school
42 or volunteers at a school and a pupil pursuant to NRS 201.540.

43 (16) Sexual conduct between certain employees of a college
44 or university and a student pursuant to NRS 201.550.



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

3 (18) An attempt to commit an offense listed in this
4 paragraph.

5 **Sec. 23.** NRS 179A.073 is hereby amended to read as follows:

6 179A.073 1. "Sexual offense" includes acts upon a child
7 constituting:

8 (a) Sexual assault under NRS 200.366;

9 (b) Statutory sexual seduction under NRS 200.368;

10 (c) Use of a minor in producing ~~[pornography]~~ *child sexual*
11 *abuse material* under NRS 200.710;

12 (d) Promotion of a sexual performance of a minor under
13 NRS 200.720;

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

16 (f) Incest under NRS 201.180;

17 (g) Lewdness with a child under NRS 201.230; ~~[or]~~

18 (h) Luring a child or a person with mental illness pursuant to
19 NRS 201.560, if punished as a felony ~~[]~~; *or*

20 *(i) A violation of section 1 of this act.*

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

25 **Sec. 24.** NRS 179D.097 is hereby amended to read as follows:

26 179D.097 1. "Sexual offense" means any of the following
27 offenses:

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

32 (b) Sexual assault pursuant to NRS 200.366.

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

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

36 (e) An offense involving the administration of a drug to another
37 person with the intent to enable or assist the commission of a felony
38 pursuant to NRS 200.405, if the felony is an offense listed in this
39 subsection.

40 (f) An offense involving the administration of a controlled
41 substance to another person with the intent to enable or assist the
42 commission of a crime of violence, if the crime of violence is an
43 offense listed in this section.

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



1 (h) An offense involving ~~pornography and a minor~~ *child*
2 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
3 inclusive ~~§~~, and *section 1 of this act*.

4 (i) Fertility fraud pursuant to paragraph (a) of subsection 1 of
5 NRS 200.975.

6 (j) Incest pursuant to NRS 201.180.

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

8 (l) Indecent or obscene exposure pursuant to NRS 201.220.

9 (m) Lewdness with a child pursuant to NRS 201.230.

10 (n) Sexual penetration of a dead human body pursuant to
11 NRS 201.450.

12 (o) Sexual conduct between certain employees of a school or
13 volunteers at a school and a pupil pursuant to NRS 201.540.

14 (p) Sexual conduct between certain employees of a college or
15 university and a student pursuant to NRS 201.550.

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

18 (r) Sex trafficking pursuant to NRS 201.300.

19 (s) Any other offense that has an element involving a sexual act
20 or sexual conduct with another.

21 (t) An attempt or conspiracy to commit an offense listed in
22 paragraphs (a) to (s), inclusive.

23 (u) An offense that is determined to be sexually motivated
24 pursuant to NRS 175.547 or 207.193.

25 (v) An offense committed in another jurisdiction that, if
26 committed in this State, would be an offense listed in this
27 subsection. This paragraph includes, without limitation, an offense
28 prosecuted in:

29 (1) A tribal court.

30 (2) A court of the United States or the Armed Forces of the
31 United States.

32 (w) An offense of a sexual nature committed in another
33 jurisdiction, whether or not the offense would be an offense listed in
34 this section, if the person who committed the offense resides or has
35 resided or is or has been a student or worker in any jurisdiction in
36 which the person is or has been required by the laws of that
37 jurisdiction to register as a sex offender because of the offense. This
38 paragraph includes, without limitation, an offense prosecuted in:

39 (1) A tribal court.

40 (2) A court of the United States or the Armed Forces of the
41 United States.

42 (3) A court having jurisdiction over juveniles.

43 2. Except for the offenses described in paragraphs (o) and (p)
44 of subsection 1, the term does not include an offense involving
45 consensual sexual conduct if the victim was:



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

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

6 **Sec. 25.** NRS 179D.115 is hereby amended to read as follows:

7 179D.115 "Tier II offender" means an offender convicted of a
8 crime against a child or a sex offender, other than a Tier III
9 offender, whose crime against a child is punishable by
10 imprisonment for more than 1 year or whose sexual offense:

11 1. If committed against a child, constitutes:

12 (a) Luring a child pursuant to NRS 201.560, if punishable as a
13 felony;

14 (b) Abuse of a child pursuant to NRS 200.508, if the abuse
15 involved sexual abuse or sexual exploitation;

16 (c) An offense involving sex trafficking pursuant to NRS
17 201.300 or prostitution pursuant to NRS 201.320 or 201.395;

18 (d) An offense involving ~~pornography and a minor~~ *child*
19 *sexual abuse material* pursuant to NRS 200.710 to 200.730,
20 inclusive ~~{ }~~, *and section 1 of this act*; or

21 (e) Any other offense that is comparable to or more severe than
22 the offenses described in 34 U.S.C. § 20911(3);

23 2. Involves an attempt or conspiracy to commit any offense
24 described in subsection 1;

25 3. If committed in another jurisdiction, is an offense that, if
26 committed in this State, would be an offense listed in this section.
27 This subsection includes, without limitation, an offense prosecuted
28 in:

29 (a) A tribal court; or

30 (b) A court of the United States or the Armed Forces of the
31 United States; or

32 4. Is committed after the person becomes a Tier I offender if
33 any of the person's sexual offenses constitute an offense punishable
34 by imprisonment for more than 1 year.

35 **Sec. 26.** NRS 213.1258 is hereby amended to read as follows:

36 213.1258 1. Except as otherwise provided in subsection 2, if
37 the Board releases on parole a prisoner convicted of stalking with
38 the use of an Internet or network site, electronic mail, text
39 messaging or any other similar means of communication pursuant to
40 subsection 4 of NRS 200.575, an offense involving ~~pornography~~
41 ~~and a minor~~ *child sexual abuse material* pursuant to NRS 200.710
42 to 200.730, inclusive, *and section 1 of this act*, luring a child or a
43 person with mental illness through the use of a computer, system or
44 network pursuant to paragraph (a) or (b) of subsection 4 of NRS
45 201.560 or a violation of NRS 201.553 which involved the use of an



1 electronic communication device, the Board shall, in addition to any
2 other condition of parole, require as a condition of parole that the
3 parolee not own or use a computer, including, without limitation,
4 use electronic mail, a chat room or the Internet.

5 2. The Board is not required to impose a condition of parole set
6 forth in subsection 1 if the Board finds that:

7 (a) The use of a computer by the parolee will assist a law
8 enforcement agency or officer in a criminal investigation;

9 (b) The parolee will use the computer to provide technological
10 training concerning technology of which the defendant has a unique
11 knowledge; or

12 (c) The use of the computer by the parolee will assist companies
13 that require the use of the specific technological knowledge of the
14 parolee that is unique and is otherwise unavailable to the company.

15 3. Except as otherwise provided in subsection 1, if the Board
16 releases on parole a prisoner convicted of an offense that involved
17 the use of a computer, system or network, the Board may, in
18 addition to any other condition of parole, require as a condition of
19 parole that the parolee not own or use a computer, including,
20 without limitation, use electronic mail, a chat room or the Internet.

21 4. As used in this section:

22 (a) "Computer" has the meaning ascribed to it in NRS 205.4735
23 and includes, without limitation, an electronic communication
24 device.

25 (b) "Electronic communication device" has the meaning
26 ascribed to it in NRS 200.737.

27 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

28 (d) "System" has the meaning ascribed to it in NRS 205.476.

29 (e) "Text messaging" has the meaning ascribed to it in
30 NRS 200.575.

31 **Sec. 27.** NRS 217.050 is hereby amended to read as follows:

32 217.050 "Personal injury" means:

33 1. Actual bodily harm or threat of bodily harm which results in
34 a need for medical treatment;

35 2. In the case of a minor who was involved in the production of
36 ~~[pornography]~~ *child sexual abuse material* in violation of NRS
37 200.710, 200.720, 200.725, ~~[or]~~ 200.730 ~~[,]~~ *or section 1 of this act*,
38 any harm which results in a need for medical treatment or any
39 psychological or psychiatric counseling, or both;

40 3. Any harm which results from sexual abuse; or

41 4. Any harm which results from a violation of NRS 200.5099
42 or 200.50995.



1 **Sec. 28.** NRS 217.070 is hereby amended to read as follows:
2 217.070 1. "Victim" means a person who suffers direct or
3 threatened physical, financial or psychological harm as a result of
4 the commission of a crime, including, without limitation:

5 (a) A person who is injured or killed as the direct result of a
6 criminal act;

7 (b) A minor who was involved in the production of
8 ~~[pornography]~~ *child sexual abuse material* in violation of NRS
9 200.710, 200.720, 200.725, ~~[or]~~ 200.730 ~~[;]~~ *or section 1 of this act;*

10 (c) A minor who was sexually abused, as "sexual abuse" is
11 defined in NRS 432B.100;

12 (d) A person who is physically injured or killed as the direct
13 result of a violation of NRS 484C.110 or any act or neglect of duty
14 punishable pursuant to NRS 484C.430 or 484C.440;

15 (e) A pedestrian who is physically injured or killed as the direct
16 result of a driver of a motor vehicle who failed to stop at the scene
17 of a crash involving the driver and the pedestrian in violation of
18 NRS 484E.010;

19 (f) An older person or a vulnerable person who is abused,
20 neglected, exploited, isolated or abandoned in violation of NRS
21 200.5099 or 200.50995;

22 (g) A person who is physically injured or killed as the direct
23 result of an act of international terrorism as defined in 18 U.S.C. §
24 2331(1);

25 (h) A person who is trafficked in violation of subsection 2 of
26 NRS 201.300;

27 (i) A veteran who experienced an act of sexual assault while
28 serving on active duty, active duty for training or inactive duty
29 training;

30 (j) A person who is subjected to facilitating sex trafficking in
31 violation of subsection 1 of NRS 201.301; or

32 (k) A person who is an immediate family member of a victim
33 who:

- 34 (1) Is a minor;
35 (2) Is physically or mentally incompetent; or
36 (3) Was killed.

37 2. The term includes any person who was harmed by an act
38 listed in subsection 1, regardless of whether:

39 (a) The person is a resident of this State, a citizen of the United
40 States or is lawfully entitled to reside in the United States; or

41 (b) The act was committed by an adult or a minor.

42 **Sec. 29.** NRS 217.100 is hereby amended to read as follows:

43 217.100 1. Except as otherwise provided in subsection 5, any
44 person eligible for compensation under the provisions of NRS
45 217.010 to 217.270, inclusive, may apply to the Director for such



1 compensation not later than 24 months after the injury or death for
2 which compensation is claimed or, for a person who is a victim of
3 sex trafficking or facilitating sex trafficking, not later than 60
4 months after the injury or death for which compensation is claimed,
5 unless waived by the Director or a person designated by the Director
6 for good cause shown, and the personal injury or death was the
7 result of an incident or offense that was reported to the police within
8 5 days of its occurrence or, if the incident or offense could not
9 reasonably have been reported within that period, within 5 days of
10 the time when a report could reasonably have been made.

11 2. An order for the payment of compensation must not be
12 made unless the application is made within the time set forth in
13 subsection 1.

14 3. Where the person entitled to make application is:

15 (a) A minor, the application may be made on his or her behalf
16 by a parent or guardian.

17 (b) Mentally incapacitated, the application may be made on his
18 or her behalf by a parent, guardian or other person authorized to
19 administer his or her estate.

20 4. The applicant must submit with his or her application the
21 reports, if reasonably available, from all physicians who, at the time
22 of or subsequent to the victim's injury or death, treated or examined
23 the victim in relation to the injury for which compensation is
24 claimed.

25 5. The limitations upon payment of compensation established
26 in subsection 1 do not apply to a minor who is sexually abused or
27 who is involved in the production of ~~[pornography.]~~ *child sexual*
28 *abuse material*. Such a minor must apply for compensation before
29 reaching 21 years of age.

30 6. As used in this section:

31 (a) "Facilitating sex trafficking" means a violation of
32 NRS 201.301.

33 (b) "Sex trafficking" means a violation of subsection 2 of
34 NRS 201.300.

35 **Sec. 30.** NRS 220.125 is hereby amended to read as follows:

36 220.125 1. The Legislative Counsel shall, to the extent
37 practicable, ensure that persons with physical, mental or cognitive
38 disabilities are referred to in Nevada Revised Statutes using
39 language that is commonly viewed as respectful and sentence
40 structure that refers to the person before referring to his or her
41 disability as follows:

42 (a) Words and terms that are preferred for use in Nevada
43 Revised Statutes include, without limitation, "persons with
44 disabilities," "persons with mental illness," "persons with



1 developmental disabilities,” “persons with intellectual disabilities”
2 and other words and terms that are structured in a similar manner.

3 (b) Words and terms that are not preferred for use in Nevada
4 Revised Statutes include, without limitation, “disabled,”
5 “handicapped,” “mentally disabled,” “mentally ill,” “mentally
6 retarded” and other words and terms that tend to equate the
7 disability with the person.

8 2. The Legislative Counsel shall, to the extent practicable,
9 ensure that terms related to persons affected by addictive disorders
10 are referred to in Nevada Revised Statutes using language that is
11 commonly viewed as respectful and sentence structure that refers to
12 the person before referring to his or her disorder as follows:

13 (a) Words and terms that are preferred for use in Nevada
14 Revised Statutes include, without limitation, “addictive disorder,”
15 “persons with addictive disorders,” “person with an addictive
16 disorder,” “person with an addictive disorder related to gambling”
17 and “substance use disorder.”

18 (b) Words and terms that are not preferred for use in Nevada
19 Revised Statutes include, without limitation, “addict,” “alcoholic,”
20 “alcohol abuse,” “alcohol abuser,” “alcohol and drug abuser,” “drug
21 abuse,” “drug addict,” “problem gambler,” “substance abuse” and
22 “substance abuser.”

23 3. The Legislative Counsel shall, to the extent practicable,
24 ensure that terms related to persons with mental illness are referred
25 to in Nevada Revised Statutes using language that is commonly
26 viewed as respectful and sentence structure that refers to the person
27 before referring to his or her illness as follows:

28 (a) Words and terms that are preferred for use in Nevada
29 Revised Statutes include, without limitation, “persons with mental
30 illness” and other words and terms that are structured in a similar
31 manner.

32 (b) Words and terms that are not preferred for use in Nevada
33 Revised Statutes include, without limitation, “insane” and
34 “insanity.”

35 4. The Legislative Counsel shall, to the extent practicable,
36 ensure that terms related to persons who are deaf or hard of hearing
37 are referred to in Nevada Revised Statutes using language that is
38 commonly viewed as respectful and sentence structure that refers to
39 the person before referring to his or her condition. Words and terms
40 that are not preferred for use in Nevada Revised Statutes include,
41 without limitation, “deaf and dumb.”

42 5. The Legislative Counsel shall, to the extent practicable,
43 ensure that:

44 (a) Terms related to persons living with the human
45 immunodeficiency virus are referred to in Nevada Revised Statutes



1 using language that is commonly viewed as respectful and sentence
2 structure that refers to the person before referring to the human
3 immunodeficiency virus as follows:

4 (1) Words and terms that are preferred for use in Nevada
5 Revised Statutes include, without limitation, “person living with the
6 human immunodeficiency virus” and “person diagnosed with the
7 human immunodeficiency virus.”

8 (2) Words and terms that are not preferred for use in Nevada
9 Revised Statutes include, without limitation, “HIV positive” and
10 “human immunodeficiency virus positive.”

11 (b) The human immunodeficiency virus is referred to in Nevada
12 Revised Statutes using language that refers only to the human
13 immunodeficiency virus or HIV rather than using duplicative
14 references to both the human immunodeficiency virus or HIV and
15 acquired immunodeficiency syndrome, acquired immune deficiency
16 syndrome or AIDS.

17 (c) Duplicative references to both communicable diseases and
18 the human immunodeficiency virus or HIV are not used in Nevada
19 Revised Statutes.

20 **6. *The Legislative Counsel shall, to the extent practicable,***
21 ***ensure that terms related to items or materials that depict or***
22 ***describe a minor as the subject of a sexual portrayal or engaging***
23 ***in or simulating, or assisting others to engage in or simulate***
24 ***sexual conduct are referred to in Nevada Revised Statutes using***
25 ***language that is commonly viewed as respectful and sentence***
26 ***structure which clearly indicates that a minor depicted or***
27 ***described in any such item or material is a victim as follows:***

28 (a) ***Words and terms that are preferred in Nevada Revised***
29 ***Statutes include, without limitation, “child sexual abuse material”***
30 ***and words and terms that are structured in a similar manner.***

31 (b) ***Words and terms that are not preferred for use in Nevada***
32 ***Revised Statutes include, without limitation, “child pornography.”***

33 **Sec. 31.** NRS 233B.062 is hereby amended to read as follows:

34 233B.062 1. It is the policy of this State that every regulation
35 of an agency be made easily accessible to the public and expressed
36 in clear and concise language. To assist in carrying out this policy:

37 (a) The Attorney General must develop guidelines for drafting
38 regulations; and

39 (b) Every permanent regulation must be incorporated, excluding
40 any forms used by the agency, any publication adopted by reference,
41 the title, any signature and other formal parts, in the Nevada
42 Administrative Code, and every emergency or temporary regulation
43 must be distributed in the same manner as the Nevada
44 Administrative Code.

45 2. It is the policy of this State that:



1 (a) Persons with physical, mental or cognitive disabilities and
2 persons living with the human immunodeficiency virus are to be
3 referred to in the Nevada Administrative Code using language that
4 is commonly viewed as respectful and sentence structure that refers
5 to the person before referring to the person's disability or the human
6 immunodeficiency virus, as applicable;

7 (b) Terms related to persons affected by addictive disorders are
8 referred to in the Nevada Administrative Code using language that
9 is commonly viewed as respectful and sentence structure that refers
10 to the person before referring to his or her disorder;

11 (c) Terms related to persons with mental illness are referred to in
12 the Nevada Administrative Code using language that is commonly
13 viewed as respectful and sentence structure that refers to the person
14 before referring to his or her illness;

15 (d) Terms related to persons who are deaf or hard of hearing are
16 referred to in the Nevada Administrative Code using language that
17 is commonly viewed as respectful and sentence structure that refers
18 to the person before referring to his or her condition; ~~and~~

19 (e) References to only the human immunodeficiency virus or
20 HIV should be used in the Nevada Administrative Code instead of
21 duplicative references to both human immunodeficiency virus or
22 HIV and acquired immunodeficiency syndrome, acquired immune
23 deficiency syndrome or AIDS ~~and~~; *and*

24 *(f) Terms related to items or materials that depict or describe a*
25 *minor as the subject of a sexual portrayal or engaging in or*
26 *simulating, or assisting others to engage in or simulate sexual*
27 *conduct are referred to in the Nevada Administrative Code using*
28 *language that is commonly viewed as respectful and sentence*
29 *structure which clearly indicates that a minor depicted or*
30 *described in any such item or material is a victim,*

31 ➤ in the same manner as provided in NRS 220.125 for Nevada
32 Revised Statutes.

33 3. The Legislative Counsel shall:

34 (a) Include each permanent regulation in the Nevada
35 Administrative Code; and

36 (b) Distribute in the same manner as the Nevada Administrative
37 Code each emergency or temporary regulation,

38 ➤ that is required to be adopted pursuant to the provisions of this
39 chapter and which is adopted by an entity other than an agency.

40 4. The Legislative Commission may authorize inclusion in the
41 Nevada Administrative Code of the regulations of an agency
42 otherwise exempted from the requirements of this chapter.

43 **Sec. 32.** NRS 424.031 is hereby amended to read as follows:

44 424.031 1. The licensing authority or a person or entity
45 designated by the licensing authority shall obtain from appropriate



1 law enforcement agencies information on the background and
2 personal history of each applicant for a license to conduct a foster
3 home, person who is licensed to conduct a foster home, employee of
4 that applicant or licensee, and resident of a foster home who is 18
5 years of age or older, other than a resident who remains under the
6 jurisdiction of a court pursuant to NRS 432B.594, to determine
7 whether the person investigated has been arrested for, has charges
8 pending for or has been convicted of:

9 (a) Murder, voluntary manslaughter or mayhem;

10 (b) Any other felony involving the use or threatened use of force
11 or violence against the victim or the use of a firearm or other deadly
12 weapon;

13 (c) Assault with intent to kill or to commit sexual assault or
14 mayhem;

15 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
16 indecent exposure or any other sexually related crime or a felony
17 relating to prostitution;

18 (e) Abuse or neglect of a child or contributory delinquency;

19 (f) A violation of any federal or state law regulating the
20 possession, distribution or use of any controlled substance or any
21 dangerous drug as defined in chapter 454 of NRS;

22 (g) Abuse, neglect, exploitation, isolation or abandonment of
23 older persons or vulnerable persons, including, without limitation, a
24 violation of any provision of NRS 200.5091 to 200.50995,
25 inclusive, or a law of any other jurisdiction that prohibits the same
26 or similar conduct;

27 (h) Any offense involving fraud, theft, embezzlement, burglary,
28 robbery, fraudulent conversion or misappropriation of property
29 within the immediately preceding 7 years;

30 (i) Any offense relating to ~~pornography involving minors,~~
31 *child sexual abuse material*, including, without limitation, a
32 violation of any provision of NRS 200.700 to 200.760, inclusive,
33 *and section 1 of this act* or a law of any other jurisdiction that
34 prohibits the same or similar conduct;

35 (j) Prostitution, solicitation, lewdness or indecent exposure, or
36 any other sexually related crime that is punishable as a
37 misdemeanor, within the immediately preceding 7 years;

38 (k) A crime involving domestic violence that is punishable as a
39 felony;

40 (l) A crime involving domestic violence that is punishable as a
41 misdemeanor, within the immediately preceding 7 years;

42 (m) A criminal offense under the laws governing Medicaid or
43 Medicare, within the immediately preceding 7 years;

44 (n) Any offense involving the sale, furnishing, purchase,
45 consumption or possession of alcoholic beverages by a minor



1 including, without limitation, a violation of any provision of NRS
2 202.015 to 202.067, inclusive, or driving a vehicle under the
3 influence of alcohol or a controlled substance in violation of chapter
4 484C of NRS or a law of any other jurisdiction that prohibits the
5 same or similar conduct, within the immediately preceding 7 years;
6 or

7 (o) An attempt or conspiracy to commit any of the offenses
8 listed in this subsection within the immediately preceding 7 years.

9 2. A licensing authority or a person or entity designated by the
10 licensing authority may conduct an investigation of the background
11 and personal history of a person who is 18 years of age or older who
12 routinely supervises a child in a foster home in the same manner as
13 described in subsection 1.

14 3. The licensing authority or its approved designee may charge
15 each person investigated pursuant to this section for the reasonable
16 cost of that investigation.

17 4. Unless a preliminary Federal Bureau of Investigation
18 Interstate Identification Index name-based check of the records of
19 criminal history has been conducted pursuant to NRS 424.039, a
20 person who is required to submit to an investigation pursuant to
21 subsection 1 shall not have contact with a child in a foster home
22 without supervision before the investigation of the background and
23 personal history of the person has been conducted.

24 5. The licensing authority or its designee:

25 (a) Shall conduct an investigation of each licensee, employee
26 and resident pursuant to this section at least once every 5 years after
27 the initial investigation; and

28 (b) May conduct an investigation of any person who is 18 years
29 of age or older who routinely supervises a child in a foster home at
30 such times as it deems appropriate.

31 **Sec. 33.** NRS 424.145 is hereby amended to read as follows:

32 424.145 1. The licensing authority or a person designated by
33 the licensing authority shall obtain from appropriate law
34 enforcement agencies information on the background and personal
35 history of each applicant for or holder of a license to conduct a
36 foster care agency and each owner, member of the governing body,
37 employee, paid consultant, contractor, volunteer or vendor of that
38 applicant or licensee who may come into direct contact with a child
39 placed by the foster care agency, to determine whether the person
40 investigated has been arrested for, has charges pending for or has
41 been convicted of:

42 (a) Murder, voluntary manslaughter or mayhem;

43 (b) Any other felony involving the use or threatened use of force
44 or violence against the victim or the use of a firearm or other deadly
45 weapon;



1 (c) Assault with intent to kill or to commit sexual assault or
2 mayhem;

3 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
4 indecent exposure or any other sexually related crime or a felony
5 relating to prostitution;

6 (e) Abuse or neglect of a child or contributory delinquency;

7 (f) A violation of any federal or state law regulating the
8 possession, distribution or use of any controlled substance or any
9 dangerous drug as defined in chapter 454 of NRS;

10 (g) Abuse, neglect, exploitation, isolation or abandonment of
11 older persons or vulnerable persons, including, without limitation, a
12 violation of any provision of NRS 200.5091 to 200.50995,
13 inclusive, or a law of any other jurisdiction that prohibits the same
14 or similar conduct;

15 (h) Any offense involving fraud, theft, embezzlement, burglary,
16 robbery, fraudulent conversion or misappropriation of property
17 within the immediately preceding 7 years;

18 (i) Any offense relating to ~~pornography involving minors,~~
19 *child sexual abuse materials*, including, without limitation, a
20 violation of any provision of NRS 200.700 to 200.760, inclusive,
21 *and section 1 of this act* or a law of any other jurisdiction that
22 prohibits the same or similar conduct;

23 (j) Prostitution, solicitation, lewdness or indecent exposure, or
24 any other sexually related crime that is punishable as a
25 misdemeanor, within the immediately preceding 7 years;

26 (k) A crime involving domestic violence that is punishable as a
27 felony;

28 (l) A crime involving domestic violence that is punishable as a
29 misdemeanor, within the immediately preceding 7 years;

30 (m) A criminal offense under the laws governing Medicaid or
31 Medicare, within the immediately preceding 7 years;

32 (n) Any offense involving the sale, furnishing, purchase,
33 consumption or possession of alcoholic beverages by a minor,
34 including, without limitation, a violation of any provision of NRS
35 202.015 to 202.067, inclusive, or driving a vehicle under the
36 influence of alcohol or a controlled substance in violation of chapter
37 484C of NRS or a law of any other jurisdiction that prohibits the
38 same or similar conduct, within the immediately preceding 7 years;
39 or

40 (o) An attempt or conspiracy to commit any of the offenses
41 listed in this subsection within the immediately preceding 7 years.

42 2. Unless a preliminary Federal Bureau of Investigation
43 Interstate Identification Index name-based check of the records of
44 criminal history has been conducted pursuant to NRS 424.039, a
45 person who is required to submit to an investigation pursuant to this



1 section shall not have contact with a child in a foster home without
2 supervision before the investigation of the background and personal
3 history of the person is completed.

4 3. The licensing authority or its designee shall conduct an
5 investigation of each holder of a license to conduct a foster care
6 agency and each owner, member of a governing body, employee,
7 paid consultant, contractor, volunteer or vendor who may come into
8 direct contact with a child placed by the foster care agency pursuant
9 to this section at least once every 5 years after the initial
10 investigation.

11 **Sec. 34.** NRS 432.150 is hereby amended to read as follows:

12 432.150 As used in NRS 432.150 to 432.220, inclusive, unless
13 the context otherwise requires:

14 1. "Clearinghouse" means the program established by the
15 Attorney General pursuant to NRS 432.170.

16 2. "Director" means the Director of the Clearinghouse.

17 3. "Exploited child" means a person under the age of 18 years
18 who has been:

19 (a) Used in the production of ~~[pornography]~~ *child sexual abuse*
20 *material* in violation of the provisions of NRS 200.710 ~~[]~~ *to*
21 *200.730, inclusive, and section 1 of this act;*

22 (b) Subjected to sexual exploitation as defined in NRS
23 432B.110; or

24 (c) Employed or exhibited in any injurious, immoral or
25 dangerous business or occupation in violation of the provisions of
26 NRS 609.210.

27 4. "Missing child" means a person under the age of 18 years
28 who has run away or is otherwise missing from the lawful care,
29 custody and control of a parent or guardian.

30 **Sec. 35.** NRS 432A.170 is hereby amended to read as follows:

31 432A.170 1. The Division may, upon receipt of an
32 application for a license to operate a child care facility, conduct an
33 investigation into the:

34 (a) Buildings or premises of the facility and, if the application is
35 for an outdoor youth program, the area of operation of the program;

36 (b) Qualifications and background of the applicant or the
37 employees of the applicant;

38 (c) Method of operation for the facility; and

39 (d) Policies and purposes of the applicant.

40 2. Subject to the provisions of subsection 7, the Division shall
41 secure from appropriate law enforcement agencies information on
42 the background and personal history of every applicant, licensee,
43 operator of a small child care establishment, employee of an
44 applicant, licensee or small child care establishment, resident of a
45 child care facility or small child care establishment who is 18 years



1 of age or older, other than a resident who remains under the
2 jurisdiction of a court pursuant to NRS 432B.594, or participant in
3 an outdoor youth program who is 18 years of age or older, to
4 determine whether the person has been convicted of:

5 (a) Murder, voluntary manslaughter or mayhem;

6 (b) Any other felony involving the use of a firearm or other
7 deadly weapon;

8 (c) Assault with intent to kill or to commit sexual assault or
9 mayhem;

10 (d) Sexual assault, statutory sexual seduction, incest, lewdness,
11 indecent exposure or any other sexually related crime;

12 (e) Any crime against a child, including, without limitation,
13 abuse, neglect or endangerment of a child, contributory delinquency
14 or ~~[pornography involving a minor;]~~ *child sexual abuse material;*

15 (f) Arson;

16 (g) Assault;

17 (h) Battery, including, without limitation, battery which
18 constitutes domestic violence;

19 (i) Kidnapping;

20 (j) Any offense relating to the possession or use of any
21 controlled substance or any dangerous drug as defined in chapter
22 454 of NRS within the immediately preceding 5 years;

23 (k) Any offense relating to the distribution or manufacture of
24 any controlled substance or any dangerous drug as defined in
25 chapter 454 of NRS, including, without limitation, possession of a
26 controlled substance for the purpose of sale;

27 (l) Abuse, neglect, exploitation, isolation or abandonment of
28 older persons or vulnerable persons, including, without limitation, a
29 violation of any provision of NRS 200.5091 to 200.50995,
30 inclusive, or a law of any other jurisdiction that prohibits the same
31 or similar conduct;

32 (m) Any offense involving fraud, theft, embezzlement, burglary,
33 robbery, fraudulent conversion or misappropriation of property
34 within the immediately preceding 7 years;

35 (n) A crime that constitutes domestic violence pursuant to
36 NRS 33.018;

37 (o) A violation of NRS 484C.430; or

38 (p) A violation of NRS 484C.110 or 484C.120 within the
39 immediately preceding 5 years.

40 3. Subject to the provisions of subsection 7, the Division shall
41 request information concerning every applicant, licensee, operator
42 of a small child care establishment, employee of an applicant,
43 licensee or small child care establishment, resident of a child care
44 facility or small child care establishment who is 18 years of age or
45 older, other than a resident who remains under the jurisdiction of a



1 court pursuant to NRS 432B.594, or participant in an outdoor youth
2 program who is 18 years of age or older, from:

3 (a) The Central Repository for Nevada Records of Criminal
4 History for its report concerning a conviction in this State of any of
5 the crimes set forth in subsection 2 and for submission to the
6 Federal Bureau of Investigation for its report pursuant to NRS
7 432A.175; and

8 (b) The Statewide Central Registry for the Collection of
9 Information Concerning the Abuse or Neglect of a Child established
10 pursuant to NRS 432.100 to determine whether there has been a
11 substantiated report of child abuse or neglect made against any of
12 them.

13 4. The Division may charge each person investigated pursuant
14 to this section for the reasonable cost of that investigation.

15 5. The information required to be obtained pursuant to
16 subsections 2 and 3 must be requested concerning an:

17 (a) Employee of an applicant, licensee or small child care
18 establishment, resident of a child care facility or small child care
19 establishment who is 18 years of age or older, other than a resident
20 who remains under the jurisdiction of a court pursuant to NRS
21 432B.594, or participant in an outdoor youth program who is 18
22 years of age or older for an initial background check not later than 3
23 days after the employee is hired, the residency begins or the
24 participant begins participating in the program and before the
25 employee, resident or participant has direct contact with any child at
26 the child care facility, and then at least once every 5 years thereafter.

27 (b) Applicant at the time that an application is submitted for
28 licensure, and then at least once every 5 years after the license is
29 issued.

30 (c) Operator of a small child care establishment before the
31 operator begins operating the establishment, and then at least once
32 every 5 years after the establishment begins operating.

33 6. A person who is required to submit to an investigation
34 required pursuant to this section shall not have contact with a child
35 in a child care facility without supervision before the investigation
36 of the background and personal history of the person has been
37 conducted.

38 7. The provisions of subsections 2, 3 and 5 apply to a small
39 child care establishment and an operator of a small child care
40 establishment if the operator of such an establishment has applied or
41 registered with the Division of Welfare and Supportive Services of
42 the Department pursuant to NRS 432A.1756.

43 **Sec. 36.** NRS 432B.198 is hereby amended to read as follows:

44 432B.198 1. An agency which provides child welfare
45 services shall secure from appropriate law enforcement agencies



1 information on the background and personal history of each
2 applicant for employment with the agency, and each employee of
3 the agency, to determine:

4 (a) Whether the applicant or employee has been convicted of:

5 (1) Murder, voluntary manslaughter, involuntary
6 manslaughter or mayhem;

7 (2) Any other felony involving the use or threatened use of
8 force or violence or the use of a firearm or other deadly weapon;

9 (3) Assault with intent to kill or to commit sexual assault or
10 mayhem;

11 (4) Battery which results in substantial bodily harm to the
12 victim;

13 (5) Battery that constitutes domestic violence that is
14 punishable as a felony;

15 (6) Battery that constitutes domestic violence, other than a
16 battery described in subparagraph (5), within the immediately
17 preceding 3 years;

18 (7) Sexual assault, statutory sexual seduction, incest,
19 lewdness, indecent exposure, an offense involving ~~pornography and~~
20 ~~a minor~~ *child sexual abuse material* or any other sexually related
21 crime;

22 (8) A crime involving pandering or prostitution, including,
23 without limitation, a violation of any provision of NRS 201.295 to
24 201.440, inclusive, other than a violation of NRS 201.354 by
25 engaging in prostitution;

26 (9) Abuse or neglect of a child, including, without limitation,
27 a violation of any provision of NRS 200.508 or 200.5083;

28 (10) A violation of any federal or state law regulating the
29 possession, distribution or use of any controlled substance or any
30 dangerous drug as defined in chapter 454 of NRS within the
31 immediately preceding 3 years;

32 (11) A violation of any federal or state law prohibiting
33 driving or being in actual physical control of a vehicle while under
34 the influence of intoxicating liquor or a controlled substance that is
35 punishable as a felony;

36 (12) A violation of any federal or state law prohibiting
37 driving or being in actual physical control of a vehicle while under
38 the influence of intoxicating liquor or a controlled substance, other
39 than a violation described in subparagraph (11), within the
40 immediately preceding 3 years;

41 (13) Abuse, neglect, exploitation, isolation or abandonment
42 of older persons or vulnerable persons, including, without
43 limitation, a violation of any provision of NRS 200.5091 to
44 200.50995, inclusive, or a law of any other jurisdiction that
45 prohibits the same or similar conduct; or



1 (14) Any offense involving arson, fraud, theft,
2 embezzlement, burglary, robbery, fraudulent conversion,
3 misappropriation of property or perjury within the immediately
4 preceding 7 years; or

5 (b) Whether there are criminal charges pending against the
6 applicant or employee for a crime listed in paragraph (a).

7 2. An agency which provides child welfare services shall
8 request information from:

9 (a) The Statewide Central Registry concerning an applicant for
10 employment with the agency, or an employee of the agency, to
11 determine whether there has been a substantiated report of child
12 abuse or neglect made against the applicant or employee; and

13 (b) The central registry of information concerning the abuse or
14 neglect of a child established by any other state in which the
15 applicant or employee resided within the immediately preceding 5
16 years to ensure satisfactory clearance with that registry.

17 3. Each applicant for employment with an agency which
18 provides child welfare services, and each employee of an agency
19 which provides child welfare services, must submit to the agency:

20 (a) A complete set of his or her fingerprints and written
21 authorization to forward those fingerprints to the Central Repository
22 for Nevada Records of Criminal History for submission to the
23 Federal Bureau of Investigation for its report; and

24 (b) Written authorization for the agency to obtain any
25 information that may be available from the Statewide Central
26 Registry or the central registry of information concerning the abuse
27 or neglect of a child established by any other state in which the
28 applicant or employee resided within the immediately preceding 5
29 years.

30 4. An agency which provides child welfare services may
31 exchange with the Central Repository or the Federal Bureau of
32 Investigation any information concerning the fingerprints submitted
33 pursuant to this section.

34 5. When a report from the Federal Bureau of Investigation is
35 received by the Central Repository, the Central Repository shall
36 immediately forward a copy of the report to the agency which
37 provides child welfare services for a determination of whether the
38 applicant or employee has criminal charges pending against him or
39 her for a crime listed in paragraph (a) of subsection 1 or has been
40 convicted of a crime listed in paragraph (a) of subsection 1.

41 6. An agency which provides child welfare services shall
42 conduct an investigation of each employee of the agency pursuant to
43 this section at least once every 5 years after the initial investigation.

44 7. For the purposes of this section, the period during which
45 criminal charges are pending against an applicant or employee for a



1 crime listed in paragraph (a) of subsection 1 begins when the
2 applicant or employee is arrested for such a crime and ends when:

3 (a) A determination is made as to the guilt or innocence of the
4 applicant or employee with regard to such a crime at a trial or by a
5 plea; or

6 (b) The prosecuting attorney makes a determination to:

7 (1) Decline charging the applicant or employee with a crime
8 listed in paragraph (a) of subsection 1; or

9 (2) Proceed with charges against the applicant or employee
10 for only one or more crimes not listed in paragraph (a) of
11 subsection 1.

12 8. As used in this section, "Statewide Central Registry" means
13 the Statewide Central Registry for the Collection of Information
14 Concerning the Abuse or Neglect of a Child established by
15 NRS 432.100.

16 **Sec. 37.** NRS 433B.183 is hereby amended to read as follows:

17 433B.183 1. A division facility which provides residential
18 treatment to children shall secure from appropriate law enforcement
19 agencies information on the background and personal history of
20 each employee of the facility to determine:

21 (a) Whether the employee has been convicted of:

22 (1) Murder, voluntary manslaughter, involuntary
23 manslaughter or mayhem;

24 (2) Any other felony involving the use or threatened use of
25 force or violence or the use of a firearm or other deadly weapon;

26 (3) Assault with intent to kill or to commit sexual assault or
27 mayhem;

28 (4) Battery which results in substantial bodily harm to the
29 victim;

30 (5) Battery that constitutes domestic violence that is
31 punishable as a felony;

32 (6) Battery that constitutes domestic violence, other than a
33 battery described in subparagraph (5), within the immediately
34 preceding 3 years;

35 (7) Sexual assault, statutory sexual seduction, incest,
36 lewdness, indecent exposure, an offense involving ~~[pornography and~~
37 ~~a minor] child sexual abuse material~~ or any other sexually related
38 crime;

39 (8) A crime involving pandering or prostitution, including,
40 without limitation, a violation of any provision of NRS 201.295 to
41 201.440, inclusive, other than a violation of NRS 201.354 by
42 engaging in prostitution;

43 (9) Abuse or neglect of a child, including, without limitation,
44 a violation of any provision of NRS 200.508 or 200.5083;



1 (10) A violation of any federal or state law regulating the
2 possession, distribution or use of any controlled substance or any
3 dangerous drug as defined in chapter 454 of NRS within the
4 immediately preceding 3 years;

5 (11) A violation of any federal or state law prohibiting
6 driving or being in actual physical control of a vehicle while under
7 the influence of intoxicating liquor or a controlled substance that is
8 punishable as a felony;

9 (12) A violation of any federal or state law prohibiting
10 driving or being in actual physical control of a vehicle while under
11 the influence of intoxicating liquor or a controlled substance, other
12 than a violation described in subparagraph (11), within the
13 immediately preceding 3 years;

14 (13) Abuse, neglect, exploitation, isolation or abandonment
15 of older persons or vulnerable persons, including, without
16 limitation, a violation of any provision of NRS 200.5091 to
17 200.50995, inclusive, or a law of any other jurisdiction that
18 prohibits the same or similar conduct; or

19 (14) Any offense involving arson, fraud, theft,
20 embezzlement, burglary, robbery, fraudulent conversion,
21 misappropriation of property or perjury within the immediately
22 preceding 7 years; or

23 (b) Whether there are criminal charges pending against the
24 employee for a crime listed in paragraph (a).

25 2. An employee must submit to the Division a complete set of
26 fingerprints and written authorization to forward those fingerprints
27 to the Central Repository for Nevada Records of Criminal History
28 for submission to the Federal Bureau of Investigation for its report.

29 3. The Division may exchange with the Central Repository or
30 the Federal Bureau of Investigation any information concerning the
31 fingerprints submitted.

32 4. The Division may charge an employee investigated pursuant
33 to this section for the reasonable cost of that investigation.

34 5. When a report from the Federal Bureau of Investigation is
35 received by the Central Repository, the Central Repository shall
36 immediately forward a copy of the report to the Division for a
37 determination of whether the employee has criminal charges
38 pending against him or her for a crime listed in paragraph (a) of
39 subsection 1 or has been convicted of a crime listed in paragraph (a)
40 of subsection 1.

41 6. An employee who is required to submit to an investigation
42 required pursuant to this section shall not have contact with a child
43 in a division facility without supervision before the investigation of
44 the background and personal history of the employee has been
45 conducted.



1 7. The division facility shall conduct an investigation of each
2 employee pursuant to this section at least once every 5 years after
3 the initial investigation.

4 8. For the purposes of this section, the period during which
5 criminal charges are pending against an employee for a crime listed
6 in paragraph (a) of subsection 1 begins when the employee is
7 arrested for such a crime and ends when:

8 (a) A determination is made as to the guilt or innocence of the
9 employee with regard to such a crime at a trial or by a plea; or

10 (b) The prosecuting attorney makes a determination to:

11 (1) Decline charging the employee with a crime listed in
12 paragraph (a) of subsection 1; or

13 (2) Proceed with charges against the employee for only one
14 or more crimes not listed in paragraph (a) of subsection 1.

15 **Sec. 38.** This act becomes effective upon passage and
16 approval.



