

interest in his wages before the enactment of the statute, the retroactive application of that statute would result in an unconstitutional taking of property without due process of law. *Turner v. Nevada Bd. of State Prison Comm'rs*, 624 F. Supp. 318 (D. Nev. 1985)

ATTORNEY GENERAL'S OPINIONS.

Former department of prisons has no authority to collect fines. The department of prisons (now the department of corrections) does not have specific authority to collect fines imposed pursuant to NRS ch. 176 against convicted felons. NRS 209.463 and 209.4841, authorized the department to collect only certain debts owed by inmates, and criminal fines are not included as such debt. The specific grant of authority to collect only certain debts implies the lack of authority to collect others. AGO 87-4 (1-21-1987)

NRS 209.471 Offender may be allowed to participate in program beneficial to community. The Director, with the approval of the Board, may allow offenders to participate in certain educational, civic and charitable programs in and deemed beneficial to the community in accordance with classification standards and appropriate security measures.

(Added to NRS by 1977, 853)

NRS 209.481 Assignment of offender to institution or facility of minimum security.

1. The Director shall not assign any prisoner to an institution or facility of minimum security if the prisoner:

(a) Except as otherwise provided in NRS 484.3792, 484.3795, 484.37955, 488.420 and 488.427, is not eligible for parole or release from prison within a reasonable period;

(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(2007)

209-64

DEPARTMENT OF CORRECTIONS

209.4817

(d) Has ever been convicted of a sexual offense that is punishable as a felony;

(e) Has, within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

(Added to NRS by 1977, 1058; A 1981, 341; 1991, 218; 2001 Special Session, 196; 2005, 167, 617; 2007, 3178)

2007 Statutes of Nevada, Pages 3097-3234

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Sec. 7. NRS 209.481 is hereby amended to read as follows:

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(b) Has recently committed a serious infraction of the rules of an institution or facility of the Department;

(c) Has not performed the duties assigned to him in a faithful and orderly manner;

(d) Has ever been convicted of a sexual offense ~~that is punishable as a felony~~;

(e) Has ~~committed an act of serious violence during the previous year~~, *within the immediately preceding year, been convicted of any crime involving the use or threatened use of force or violence against a victim that is punishable as a felony*; or

(f) Has attempted to escape or has escaped from an institution of the Department.

2. The Director shall, by regulation, establish procedures for classifying and selecting qualified prisoners.

Advisory Commission on Admin. of Justice

Exhibit 0 pg 1 of 2 Date: 3-17-08

he is applying to replace Hodges leading the program. "I wish Mark all the best of luck," he said. "He's a great coach, he knows football."

Hodges said he was first contacted about the opening back in December and things really heated up in the past few weeks and if he

or current teachers.

Hodges said one of things that made him feel the best was when he was told by Hermiston officials that they talked to some of his opposing coaches and they gave high recommendations of him as a coach.

no levels found in the petioles do not constitute an exceedance.

Along with this, one must keep in mind the site's erratic wind behavior. Douglas Herlocker, environmental scientist/senior air quality specialist of Tetra Tech EM, Inc., said wind conditions at the site often do not

Hollan-Hurto, project manager for EPA Region IX, said part of an upcoming overall air monitoring program report from ARCO will seek to address the concern of off-site sources (i.e. neighboring agricultural fields) contributing to sample findings. She said ARCO has expressed

exceedance of 300 micrograms per cubic meter (twice the 24-hour standard) for a two-hour period. These too were activated on June 5; however, unlike the high volume samples, which detected lower-than-standard amounts of arsenic, these samples did not detect arsenic.

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Letters

From page A4

Early last summer, our community learned that we had been betrayed by a friend, teacher, mentor, and coach. We entrusted him with our children, offered him our friendship, awarded him our respect. His betrayal is despicable, cowardly, and will be hurtful for lifetimes to come.

Trust is a precious treasure to lose.

Sentencing for his crime is scheduled to take place in Third Judicial District Court at the Lyon County Court House in Yerington on Monday, March 24.

As a community, we have an opportunity to do the right thing. We have an opportunity to come together, to stand with our child, and her family to hear the truth, share our sorrow and outrage, and finally ask for justice.

Please join together: parents, educators, mentors, coaches, sons, daughters, friends, and neighbors, to attend a community awareness and information night at Boys and Girls Club of Mason Valley on Monday, March 17 at 7:00 p.m. Please come stand together and help our community do the right thing.

"The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing." - Albert Einstein

Respectfully submitted,
Debbie Arrighi
Lizbeth Reviglio
Liz Dane
Yerington, NV

It's easy to hate sex offenders

Editor,

I am a counselor who has worked with sex offenders every week for years. I have put in more hours than anyone I know in northern Nevada working to help prevent new sex crimes in our state, so it is with an informed opinion that I read Mr. Lindberg's February 22, 2008, comments on the topic.

I can tell you that both he and the irresponsible decision-maker who posted such a self-serving rant did nothing to serve the community's interests in publishing such thinly veiled vigilantism.

I, too, am a businessman in the community; I, too, am a father and a grandfather. I, too, am outraged by the same events that horrify all of us.

But never in my wildest dreams did I ever think as a man that it would be right to glorify my own darker self-indulgent revenge fantasies in a public display of self-righteousness. Such violent fantasies are viscerally satisfying, but represent a childish approach to public policy.

First of all, the vast majority of convicted sex offenders are hardly up to the standard of "predator." Face it, the word "predator" is overused.

Consider: a 17-year-old teenager who turns 18 after a year of having sex with his 15-year-old girlfriend is guilty now of Statutory Sexual Seduction and is required to register as a sex offender for the rest of his life.

Consider: a pathetic drunk who, in his inebriated stupor, steals booze, gets in an altercation and

then exposes himself to passers-by, is hardly worthy of the word "predator," yet he, too, will have to register for the rest of his life... as a sex offender.

Surely I am not the only one out there old enough to remember "Laugh In" and the actor in the trench coat who made us all laugh by exposing himself?

How have we been so easily manipulated to fear and hate what we once found pathetic or even humorous?

Many sex crimes are far more serious than these, but Nevada does an incredibly good job of incarcerating virtually forever those sex offenders who are not amenable to treatment or whose crimes are so horrific that we cannot abide their release.

Others who do not meet this level are released because their crime is hardly deserving of the death penalty—particularly at the hands of enraged family members wielding baseball bats as Mr. Lindberg suggests would be best.

Treatment does work. It's always sensational to seek out the naysayers and urban mythmakers who profess to know because the truth is far less titillating.

For the last six years the recidivism rate in our program has been hovering at 1%. That's a 99% success rate.

Just read about the next 100 sex crimes in our community (as easily found in the newspaper)—you'll find that over 95% were committed by first time offenders. It is not the previously convicted offender who poses the greatest risk; it's the unknown future offender.

By so stigmatizing sex offenders

as Mr. Lindberg has done, we create vast public reservoirs of shame which contributes to our inability to even discuss sexual thoughts, feelings and behavior that might not be to Mr. Lindberg's liking.

If sex offenders are sick, an idea of Mr. Lindberg's that I agree with, then sex crimes are a public health problem. Like AIDS, cholera, smoking, and every other public health problem, our tools are information, education and rational thinking.

Getting mad and indulging in baseball bat fantasies is useless, self-defeating and counterproductive to community safety.

Like Mr. Lindberg, I am a conservative. I am a Republican, I own guns, I'm against abortion; but I do not see a problem with an overabundance of liberal judges as does Mr. Lindberg. Our judges in Nevada generally do a pretty good job—their knowledge of the offense and the law make it clear they are the ones to make the tough sentencing decisions.

What's really going on here though, if you stop and just think, is that we Americans have some sort of weird blind spot when it comes to sexual crimes.

Sure, as a parent, I'd like to know about the dangerous people in my neighborhood; but so long as we're outing sex offenders why wouldn't we list convicted drug abusers, meth manufacturers, those convicted of domestic violence, and why not all the drunks convicted of drinking in public and DUI?

Aren't all of these people dangerous to our children?

If we made such a list, of course eventually we'd find it easier to list

those good folk not on the other list...at least not yet.

It's easy to hate sex offenders. We've made it easy by using sex offender registries and public exposure to label them the way the Nazis did the Jews with their yellow stars.

In this way, we've created the last class in society that it's politically fashionable to hate.

But since when has hate and fear ever informed public discourse?

When has hate and fear ever protected future victims from attack?

When has hate ever solved anything?

To jail the 300 men and women I've worked with over the last 10 years would have cost our state \$90 million. Couldn't we do something better with that money?

Sex crimes are crimes of secrecy, and when the secret ends, the criminality generally ends with it.

We all need to be better informed about sex crimes and what is being done about them. To that end, I challenge the editors of this paper, and Mr. Lindberg himself, to sit in on a group therapy session of men previously convicted of sex crimes who are working to better themselves.

These men look forward to letting you see who they are and what they are doing—all they want is a chance to put their mistake behind them and build a life with their families.

Call me and I'll set it up.

P.S. You can leave the baseball bats at home, they're a very civilized crowd.

Sincerely,
Steven Ing

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