

March 17, 2008

ADVISORY COMMISSION FOR Administration of Justice

Dear Commissioners:

My name is Willie Bargas. This is my second time before you to ask your help to review and change some of the sex offender laws in our state to less stigmatizing and more fair considerations. These laws need to be reviewed from sentencing, to non discriminatory opportunities while incarcerated and on to an offender's return to a community.

I live in Las Vegas and am on my 9<sup>th</sup> year of parole with a sexual assault conviction classified as a community notification Tier Level II. I was working and looking forward to going back to court and getting my tier level lowered after being violation free for 10 years.

The federal law, the Adam Walsh Act passed in 2006 will change all that for me because of the new community notification tier level definition. The new classification will not be based on crime severity or risk for reoffense. I will probably be reclassified as a Tier Level III having to wait until I am violation free for 35 years after getting out. WHY? I understand some states will not be complying with many of the requirements of the law. Those states that do not comply will lose some of their incentive grant money: they are saying that the money to be allocated will not cover the cost of being in full compliance putting an added financial burden on the states.

I am asking this commission to look at the implications of this new law and do what is just and fair for those of us who stand to lose the opportunity for goals we have worked long and hard for. Nevada agencies have done a good job of tracking those of us with sexual assault convictions who have complied with registration. We are easy to find because we register and comply. Many with sexual assault convictions leave our state. Some no longer register and have gone into hiding. It is hard to understand why we the compliant ones are the first to be considered if there is a sex crime. We endure harassment and interrogation with little praise and encouragement for our efforts. I often wonder why those known offenders who hide or go to other states are not pursued more. Most sexual assaults are done by someone the victim knows. We are not all pedophiles, just thought of as such by most uninformed persons in the general population.

When I get to know people and I get to talking to them about my crime I find they do not believe all the parole limitations placed on us. Please keep in mind that I am in the only criminal class with such parole restrictions. I would like for you and everyone else to know all these restrictions which I have ask to be read to you. I wish I could do it myself but I must work today. (list attached)

Please, I again ask this commission to look into whether this new law is needed in Nevada and worth the extra cost and time to maintain. The money could be used to help incarcerated inmates with programs to change their behaviors and attitudes and then to help them transition back to being taxpayers and contributing members of a community.

Most respectfully,

Willie Bargas

Advisory Commission on Admin. of Justice

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

WHITE - Board File  
CANARY - InitialsPINK - Y File  
GOLDBEROD - P&P

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**Nevada Board of Parole Commissioners****Prisoner Convicted of Sexual Offense  
Mandatory Conditions of Parole**

NDOC NUMBER

LOCATION OF HEARING

The Board requires the following as a condition of parole (any conditions excluded shall be specified).  
The parolee shall:

- (a) Reside at a location only if it has been approved by the parole and probation officer assigned to the parolee and keep the P&P officer informed of his current address;
- (b) Accept a position of employment or a position as a volunteer only if it has been approved by the P&P officer assigned to the parolee and keep the P&P officer informed of the location of his position of employment as a volunteer;
- (c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee;
- (d) Participate in and complete a program of professional counseling approved by the division;
- (e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance;
- (f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee;
- (g) Abstain from consuming, possessing or having under his control any alcohol;
- (h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into pursuant to NRS 213.1245(2);
- (i) Not use aliases or fictitious names;
- (j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee;
- (k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 170D.410 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact;
- (l) Not be in or near,
  - (1) A playground, school or school grounds;
  - (2) A motion picture theater; or
  - (3) A business that primarily has children as customers or conducts events that primarily children attend.
- (m) Comply with any protocol concerning the use of prescriptions medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication;
- (n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee;
- (o) Not to patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee;
- (p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the parolee; and
- (q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education.

The board did not exclude any conditions.