

Exhibit I

MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning
Sex Offender Registration

Date: April 5, 2012

Meeting Location: Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701
Conference Room # 2134

Video Teleconferenced: Legislative Counsel Bureau
555 E. Washington Avenue
Las Vegas, Nevada 89101
Conference Room # 4401

Committee Attendees:

Keith Munro, Brett Kandt, Assemblyman Richard Carrillo, Susan Roske, Donna Coleman, Curtiss Kull, Scott Shick, Elizabeth Neighbors, Committee Legal Counsel Julie Towler, and Secretary Jan Riherd.

Members of the Public Who Signed In As Present:

Edie Cartwright, Pat Saunders, Char Hoerth, Diane McCord, Wesley Goetz, Patrick Davis, in Carson City and Patricia Hines, Laurie Johnson, Katrina Roger, and Louanne Richter in Las Vegas.

Agenda Item #1:

Call to Order and Roll Call:

The meeting was called to order by Keith Munro, Assistant Attorney General and Committee Chair at 9:03 am. Mr. Munro asked for roll call, the above members of the committee were present.

Agenda Item #2:

Public Comment:

Mr. Munro called for public comment. The following members of the public came forward and spoke:

Public Comment in Carson City:

Wesley Goetz:

Mr. Goetz stated that he wanted to know if any research was has been completed on Nevada risk assessment scales for sex offenders, if that research was done scientifically, and if he could contribute to the research. Pursuant to item number four (4) on the Agenda, Mr. Goetz inquired if the study on recidivism rates were done on sex offenders or other crimes such as theft. Mr. Goetz stated that in looking at sex offender recidivism rates it is necessary to consider the treatment program attended. In Mr. Goetz's opinion these treatment programs

are not done efficiently. For example, the Sex Offender Treatment Program in the Nevada prison system is only for a couple of hours every two weeks. Mr. Goetz's recommendation is an intensive treatment program several hours a day, five days per week. The creators of the program should understand the physiology of dysfunctional families and the ways someone becomes a sex offender.

Patrick Davis:

Mr. Davis introduced himself as an advocate of Nevadans for Civil Liberties and reformed sex offender laws, and expressed his problems with a five (5) minute public comment availability at only the beginning and the end of the meetings. Mr. Davis felt that the public was not afforded an equal amount of time, and should be given an opportunity to speak after each agenda item. Mr. Davis restated his request from last meeting to be able to give a presentation to the committee. Mr. Davis also knows several doctors who would like to give a presentation on recidivism. These Doctors live in Northern Nevada, would not accept any remuneration for their presentation, and felt would be a good rebuttal to previous presentations.

Response from Keith Munro:

Mr. Munro stated that there is an ACLU representative on this committee, and to contact a committee member if an individual would like to make a presentation. Mr. Munro stated that members of the public have contacted the committee in the past, and one is scheduled to give a presentation at the next meeting. Mr. Munro confirmed on the record that as long as the committee felt the presentation would be beneficial, then it would be put on the agenda. Mr. Munro also invited Mr. Davis to not only comment at the beginning and end of each meeting, but to also submit written comments to the committee and they would be made a part of the record.

Public Comment in Las Vegas:

Pat Heinz:

Mrs. Heinz introduced herself as a long-time advocate for criminal justice reforms. Mrs. Heinz thanked the committee for putting statistics on the agenda and stated her agreement with Patrick Davis' comments. Mrs. Heinz stated that the general population's accessibility to this committee needed to be revised. Mrs. Heinz located a 2007 Human Rights Group report. (See, Attachment A.) The Human Rights Watch is dedicated to protecting the human rights of people around the world. They investigate and expose human rights violations and challenge governments to end abusive practices and respect international human rights law. The Human Rights Group conducted an eighteen (18) month study nationwide and compiled this report. Highlights from this report include the information that the registration laws are overboard in scope, over long in duration, requiring people to register that do not pose any safety risk. They are built on myths, hysteria, misconceptions, and most are poorly crafted. The online sex offender registries can be accessed by anyone for purposes that do

not include public safety. Harassment and violence against registrants have been a predictable result. In many cases residency restrictions banish registrants from entire urban areas requiring them to live far away from their families. Evidence is overwhelming that these laws cause great harm to the people subject to them. Supporters of these laws are unable to identify safety gains from the laws. Mrs. Heinz stated that she sees nothing being done in Nevada in the area of prevention of sexual assaults.

Mrs. Heinz also stated that the knowledge of what causes sexual assault needs to be obtained before the prevention can start. Mrs. Heinz expressed an interest/opinion that some of the victims of crime funding to aid should be used to support groups for adult sex offenders and their families. Mrs. Heinz would like this committee to consider not only juvenile sex offenders but also adult sex offenders, and feels that the meetings concerning juvenile sex offenders and adult sex offenders should be separate.

Agenda Item #3

Approve December 22, 2011 Meeting Minutes:

The minutes of the December 22, 2011 meeting were reviewed; Keith Munro called for any suggested additions or corrections, none were voiced. Brett Kandt made a motion to approve the minutes, Scott Shick seconded the motion; all committee members present were in favor of the motion. The motion was carried and the minutes of the December 22, 2011 meeting were approved. (See, Attachment B.)

Agenda Item #4

Presentation on Recidivism and Re-Offense Rates of Adult Sex Offenders, by Stephen Brake, Ph.D.:

Dr. Brake received his Ph.D. in Psychology from the University of Texas in the 1970's. Dr. Brake was trained and then worked as an experimental Psychologist for a number of years. Dr. Brake developed an interest in clinical psychology and now has over 22 years' experience in providing clinical evaluation and service to sex offenders. Dr. Brake stated that he brought his training as a Research Psychologist with him to his sex offender clinical practice. Dr. Brake explained that contact offenders are offenders that have committed a hands on offense vs. an internet offender. Internet offenders have not been the subject of as many studies as contact offenders; therefore there are more recidivism studies on contact offenders.

Dr. Brake stated that there is a great variety of results and literature available on recidivism studies and also a variety of treatment results. Studies available reflect a large discrepancy, from a five percent (5%) recidivism rate in one study up to an eighty-eight percent (88%) recidivism rate in another study. Even within a single study there is a variety of results, and a lot of conclusions that can be drawn from the data. Dr. Brake stated there are a number of reasons for the different recidivism numbers. Studies use different ways to calculate recidivism,

some studies use re-arrest, other studies use re-conviction. The offender population may be different from one study to another. One study may be exclusively of child molesters, another may be a study of rapists. The studies may employ different sample sizes, some may study one hundred (100) people, and others may study one thousand (1000) people. Dr. Brake stated that generally the larger the study group the more accurate the results. However, Dr. Brake feels that the difference in the length of time the study is conducted is the largest reason for the variance.

Dr. Brake gave a presentation on the Recidivism Rates of Contact Offenders and the Recidivism and Re-Offense Rates of Adult Sex Offenders. A copy of Dr. Brake's report and power point presentation is attached. (See, Attachment C.)

Question by Keith Munro:

Mr. Munro questioned which group has the higher recidivism rates, i.e.: child molesters, rapists, incest offenders, and mixed offenders.

Response by Dr. Brake:

Dr. Brake stated that the literature tends to suggest that incest offenders have the smallest recidivism rates. Additionally, it would be very difficult to say which group has the highest recidivism rates. There is a lot of data and he would be unable to condense the data down to an accurate answer.

Question by Brett Kandt:

Mr. Kandt asked if a majority of people who start out viewing child pornography on the internet progress on to a contact offense.

Response by Dr. Brake:

Dr. Brake stated that this is currently the subject of study and discussion. He did have the results of a couple of studies, one study showed that only twelve percent (12%) of internet offenders had a history of contact offenses prior to their arrest for internet offending, but fifty five percent (55%) self-reported a history. This suggests there is an overlap of internet and contact offending. Another study found that at the time of arrest only twenty-six percent (26%) of internet offenders were known to have a history of contact offenses, but following treatment and polygraph testing eighty-four percent (84%) admitted to such a history. Therefore, the numbers suggest internet offenders may have a secret history of offending, but at this time it is not known if people who start out viewing child pornography on the internet progress on to a contact offense.

Question by Susan Roske:

Ms. Roske inquired if any studies were conducted of juvenile offenders, for example, juveniles who were treated, and then their recidivism rates.

Response by Dr. Brake:

Dr. Brake stated that the work he had conducted was focused on adult sex offenders. Additionally, the literature available on juvenile sex offenders is not as extensive. However, the studies Dr. Brake has reviewed tends to suggest that the results are similar to adult sex offenders. Recidivism rates are underestimates of re-offense rates in juveniles as well as adults. Dr. Brake stated that people tend to be more optimistic about the outcome studies of juveniles, and there are reasons to believe that interventions with juveniles is more effective than interventions with adults.

Question by Keith Munro:

Mr. Munro asked Dr. Brake to elaborate on the reasons interventions with juveniles is potentially more effective.

Response by Dr. Brake:

Dr. Brake stated that in speaking about juveniles the population was varied. A thirteen (13) year old is quite different than a seventeen (17) year old. However, juveniles at all ages are still developing. Brain formation and brain function are not yet solidified. Things that make a difference in behavior, for example, impulsivity and cognitive function, are still developing in juveniles. Therefore, Dr. Brake speculated it stands to reason that interventions designed to aid someone in being less impulsive may be much more effective with juveniles whose minds are still in a formative stage.

Question by Donna Coleman:

Ms. Coleman asked if Dr. Brake had studied sex offenders that are currently on parole or probation, and those offender's recidivism rates. Secondly, Ms. Coleman inquired if Dr. Brake knew of offenders currently on GPS monitoring, and if that GPS monitoring was effective.

Response by Dr. Brake:

Dr. Brake speculated that with regard to offenders being on parole and probation; it seemed that the trend in the literature suggests parole and probation supervision is effective in stopping re-offense. Additionally, studies suggest the longer the supervision the better the outcome. Dr. Brake had no personal knowledge regarding the effects of GPS monitoring, although he speculated that studies have been conducted.

Question by Elizabeth Neighbors:

Dr. Brake had mentioned treatment success correlated with high and low risk offenders, Ms. Neighbors questioned if there was a correlation with type of offense. Also, is there an effect if tested for psychopathy?

Response by Dr. Brake:

Dr. Brake stated that to his knowledge studies had not progressed to comparing for example high risk rapists with high risk child molesters. Dr. Brake stated that

in general people who score higher in psychopathy are higher risk, but this is not always the case. Psychopathy, or strong anti-social personality traits, is certainly one risk factor, but not the only risk factor, in sex offending. But given that people who score high in psychopathy, tend to misbehave in numerous ways and more often than people who score low in psychopathy, would also apply to sex offenders.

Question by Keith Munro:

Mr. Munro asked which are the best studies available, or are the most renowned studies.

Response by Dr. Brake:

Dr. Brake stated that his report contained several good studies. Two of the best Dr. Brake knows of come to different conclusions.

One was a study conducted at Atascadero State Hospital in California. At the time this study was being conducted it was touted as the "gold standard" in sex offender treatment outcome research. This study had specifically assigned control groups vs. treatment groups, which is rare and difficult to do in this type of research. It was a well-designed study, the cognitive behavioral techniques treatment methods used were state of the art. The offenders received one to two years of treatment a couple of times per week, and were then followed for approximately one year after release from the treatment program. This study was reported over several intervals as an ongoing project, and at the end of the study no significant differences were found between the treated and the untreated offenders. However, the authors of the study stated that if you "drilled down" into the data, those offenders who "got it" did better than the untreated. The idea was to identify why some did better than others which leads to the idea of focusing on risk and tailoring a treatment program to address specific groups of higher risk offenders. "Risk Need Responsively" is the direction in which the field is progressing.

Another good study is a meta-analysis conducted by Carl Hanson among others as part of the Association for Treatment of Sexual Abusers (ATSA). ATSA is the largest national professional organization working with sex offenders. ATSA has an ongoing meta-analysis research study regarding treatment effectiveness. This is a very well designed study; it has some of the best researchers in the field involved. This study tends to show a small, but statistically significant effect in treatment of offenders on recidivism outcome.

Question by Keith Munro:

Mr. Munro asked Dr. Brake if he had any knowledge of recidivism rates in other crimes vs. sex offense crimes. Mr. Munro also asked if there were any nationwide trends in sex offender laws, other than Adam Walsh and how long sex offender registration had been in effect in the U.S.

Response by Dr. Brake:

Dr. Brake stated that while there are probably studies on recidivism rates among crimes other than sex offense crimes, he has no knowledge of these studies, nor does he have any knowledge of any trends in the law. Dr. Brake speculated sex offender registration in the U.S. started in the mid 1990's.

Question by Susan Roske:

Ms. Roske inquired if there were any studies that look at the recidivism rates since the implementation of a sex offender registry.

Response by Dr. Brake:

Dr. Brake stated that there has been studies in this area. While not being up to date on these studies, Dr. Brake's understanding of this literature is that the findings are mixed, and he does not believe that registration has been shown to lower recidivism rates.

Agenda Item #5

Presentation of the ACLU v. Masto et al. case, by DAG Julie B. Towler:

Ms. Towler presented a summary of the findings in the ACLU v. Masto et al. case; the decision in the United States Court of Appeals for the Ninth Circuit (Ninth Circuit) which is attached. (See, Attachment D.) Ms. Towler reported that the Ninth Circuit ruled two (2) different ways on two (2) different laws.

AB579, the Nevada state law component to SORNA as enacted by the Adam Walsh Act, contains the sex offender registration provisions. The Court ruled that the retroactivity argument, which is retroactivity dating back to 1956 in application of the law, is constitutionally sound. The Ninth Circuit reversed the District Court's determination that it was not constitutionally sound. The Ninth Circuit cited *Smith v. Doe*, a Supreme Court case based in Alaska, which is a case previously discussed in this committee. The Ninth Circuit used this case to analogize the effect of AB579, and determined that AB579 does not contain any registration provision materially distinguishing it from *Smith v. Doe*. With regards to the Due Process Cause Claim, the Ninth Circuit found that because registration was based on conviction, there was already Due Process in the system and there would not be a requirement to have an additional hearing. With regards to the Contracts Clause Claim, the Ninth Circuit found that AB579 does not impair plea bargain agreements under the contracts clause.

SB471, which is the movement and residency restriction on sex offenders during their probation, parole, or lifetime supervision. Ms. Towler reported the legal grounds for the appeal was mooted by the Nevada Attorney General's Office in their determination that the law would only be applied prospectively. Therefore, the prospective determination was remanded to District Court for consideration in vacating the decision that the District Court issued in SB471 in favor of a binding consent decree. In summary, the Ninth Circuit reversed the District Court's ruling on AB579 and dismissed the appeal as to SB471 as moot and remanded SB471.

Question by Brett Kandt:

Mr. Kandt questioned if the State was communicating with the Counties regarding the next step after the District Court rules on the Petition for Rehearing*.

* Keith Munro confirmed with Ms. Towler that the rehearing request had been denied.

Response by Julie Towler:

Ms. Towler stated that she would have to check with her client, Parole and Probation Records and Technology Sex Offender Registry, but it is her understanding that they have been communicating with the Nevada Counties.

Question by Susan Roske:

Ms. Roske asked if the ACLU was going to file a Writ of Certiorari with the United States Supreme Court. Also, there is no discussion in the case regarding if juvenile delinquency should be treated differently.

Response by Julie Towler:

Ms. Towler stated she had no knowledge if the ACLU's intentions, further she has not heard of the ACLU filing a Writ of Certiorari from Binu Palal, the Deputy Attorney General who is the attorney handling the case for the State. Ms. Towler stated that it was her understanding the challenge was based on the adult scheme, but she would check and verify.

Question by Donna Coleman:

Ms. Coleman asked if this ruling now means the Sex Offender Registry is now prepared to update the Tier Levels of the Offenders.

Response by Julie Towler:

Ms. Towler stated that there are ongoing issues with the appeal; therefore the laws that were in effect prior to the passage of the new laws are still currently in effect.

Continuation of Agenda Item #5

Presentation of the January 23, 2012 letter from the SMART Office by DAG Julie B. Towler:

Ms. Towler reported that the SMART Office responded to the Nevada Attorney General's Office December letter regarding the process by which Nevada can adjust the sex offender registration law in Nevada regarding juveniles who have been adjudicated delinquent and their requirement to be listed on Nevada's community notification website. (See, Attachment E.)

In this letter SORNA stated that Nevada can still meet SORNA's substantial implementation standards if it excludes adjudicated juvenile sex offenders from

its public registry website. Further, SORNA stated that Nevada may also choose to continue to display juveniles adjudicated delinquent of sex offenses or some smaller portion of adjudicated juvenile sex offenders, by way of a risk assessment process or other mechanism which fits the needs of the State, however, such procedures would exceed SORNA's minimum requirements.

Agenda Item #6

Presentation on proposed 2013 Legislation regarding juvenile community notification by Scott Shick: (Mr. Shick also asked Susan Roske to come forward for this presentation.) Mr. Shick stated that based on the SORNA Office response, and prior discussions in this committee, the Juvenile Justice Administrators have elected to push forward with legislative changes which would give judicial discretion in juvenile cases regarding sex offences. They have come up with a draft under the assumption that AB579 will be enacted. Ms. Roske elaborated on the statute changes. (See, Attachment F.)

As background information, Ms. Roske reported that AB579 deleted the old procedure in which Nevada tracked juvenile sex offenders, and possibly declaring them adult sex offenders for purposes of registration and community notification once they reached the age of twenty one (21). In the past juvenile sex offenders were tracked by Parole and Probation, but were not required to register. Once the juvenile was declared rehabilitated by the court they would no longer be subject to community notification. If the juvenile had not been declared rehabilitated by the time they reached the age of twenty one (21), the court would hold a hearing to determine if they should be declared adult sex offenders for purposes of registration and community notification. Under AB579, juvenile sex offenders fourteen (14) years of age or older would be immediately placed on the adult registry.

Ms. Roske reported that the Juvenile Justice Administrators intention is to bring back the system that was in place prior to the enactment of AB579, and narrowly tailor the juvenile sex offenders who would be subject to registration and community notification to meet the minimum requirements of the Adam Walsh Act. Those minimum requirements are defined as a sexual assault by a juvenile fourteen (14) years of age or older, with oral, vaginal or anal penetration using force or violence and/or threatened substantial bodily harm and/or rendering a victim unconscious. In the new juvenile violent sex offender statute prior notification of the offender and a hearing would be required. Registration requirements would be prospective and not retroactive. The Notification and/or Petition would include language regarding the request of a declaration by the juvenile court that the juvenile was a violent juvenile sex offender, and if adjudicated under the statute the juvenile would be included in the adult registration and community notification scheme. The SMART office has ruled that states may keep juveniles off the public website; therefore this provides that the court can make a determination whether or not to include the juvenile on the adult community notification website, but the juvenile would still be subject to

registration every 90 days or every 120 days for twenty five (25) years to life. Ms. Roske also reported that included in this statutory scheme is the power of the juvenile court to relieve a person of the obligation of registration and community notification. If a juvenile is adjudicated a violent sex offender under the statute, and therefore subject to registration and possibly community notification, after three (3) years the juvenile can petition the juvenile court to relieve him of that obligation. There would be a required standard of proof of rehabilitation in that request.

Question by Keith Munro:

Mr. Munro asked if the old juvenile provisions comply with the letter sent by Linda Baldwin of the SMART Office. Additionally, Mr. Munro inquired if the decision for a juvenile to be on the public website should be a decision made by the judge.

Response by Susan Roske:

Ms. Roske stated she did not believe the old provisions would comply, that under the old juvenile provisions the juvenile sex offenders are not required to register until determined to do so at age twenty one. Ms. Roske confirmed and agreed that the Judge should be given the discretion regarding a juvenile's inclusion in the public website and stated that the decision should be based on an individual assessment of risk and not on the specific crime charged.

Question by Keith Munro:

Mr. Munro asked that if a Judge makes an individual assessment of risk whether to require, or not to require, a juvenile to register and be included in community notification would this be appropriate.

Response by Susan Roske:

Ms. Roske stated that there will be instances that requiring a juvenile violent sex offender to register and be on the community notification website appropriate, but that most times it is not appropriate for the juvenile to be required to register and be on the community notification website.

Question by Keith Munro:

Mr. Munro asked if the new proposal makes a recommendation that tweaks the existing law, but conforms to the guidelines set forth in the SMART Office letter.

Response by Susan Roske:

Ms. Roske stated that the only issue may be with the retroactive requirement. Ms. Roske was not sure if the SMART Office letter included information regarding prospective or retroactive registration requirements. Additionally, Ms. Roske stated that before there is a plea or a finding of guilt there has to be, a notification, and then a hearing must be held regarding registration and community notification under the violent juvenile sex offender statute. Therefore, any juvenile currently under probation would not be included because they had already entered a plea, or found guilty.

*A discussion was held between Mr. Munro and Susan Roske regarding determination of juvenile retroactivity. After discussion it was determined that the two areas Ms. Baldwin's letter did not address regarding Adam Walsh compliance was with juvenile prospective or retroactive registration requirements and if a juvenile can be removed from the registry after a determination of rehabilitation has been made by the judge.

Statement by Susan Roske:

Ms. Roske wanted the committee to be aware that Missouri has recently voted in their Legislature to not become compliant with the Adam Walsh Act. Additionally, the Supreme Court of the State of Ohio recently declared that registration and community notification of juvenile delinquents violates the prohibition against cruel and unusual punishment.

Statement by Scott Shick:

Mr. Shick stated that the Juvenile Justice Administrators' goal is to find the best "middle ground" regarding dealing with sex offenders at the juvenile level and simultaneously stay in compliance with the Adam Walsh Act. They would like to retain flexibility in this venue with respect to what would be allowed by SORNA as they put forth a Bill Draft in the next Legislative Session. Mr. Shick reported that in some cases the Juvenile Justice Administrators are extremely frustrated with the response of particular juvenile sex offenders to their treatment, and would like to see them sooner than twenty one years of age. The Juvenile Justice Administrators want to make sure there is a balance in this Legislation that allows flexibility in properly dealing with each individual juvenile sex offender.

Question by Keith Munro:

For clarification, Mr. Munro stated it is his understanding that there are some juveniles that should be subject to community notification, but not all juveniles should be on the community notification website.

Response by Scott Shick:

Mr. Shick confirmed Mr. Munro's statement of understanding. Additionally, Mr. Shick stated that it should be up to the discretion of the Court, with the involvement of the District Attorney's Office; that some juveniles should not be subject to community notification.

Response by Susan Roske:

Ms. Roske stated that in Judge Voy's Order where he declared AB579 unconstitutional as applied to juveniles, he pointed out the fact that sometimes we have young juvenile sex offenders, for example ten to twelve (10-12) years of age, which would not fall under the Adam Walsh Act legislation because of their young age. However, some juveniles may end up being on probation until they are twenty one (21) years of age for numerous reasons, risky behavior, not complying with treatment, etc. With the present law the Court has the ability to declare those juveniles as adult sex offenders and subject to registration and

community notification. AB579 took that away. Juveniles who were shown to be low risk were required to register, yet some high risk juveniles under the age of fourteen (14) escaped the requirement to register. This is why the Juvenile Justice Administrators wanted to bring back the old law, therefore only a small number of actual high risk juveniles would be subject to registration and community notification.

Question by Keith Munro:

Mr. Munro asked if there were some dangerous juveniles ages ten to thirteen (10-13) who should be subject to registration and community notification.

Response by Susan Roske:

Ms. Roske confirmed that there were juveniles that fall into this category, but not necessarily registration and community notification while they are a child. However, if they are still demonstrating high risk behaviors, even though they have not re-offended, at age twenty one (21) then she feels that registration and community notification would be appropriate. Ms. Roske added studies have shown that juveniles subject to community notification on a public website tend to be ostracized, ridiculed at school, eventually dropping out of school, and probably destroying any hope of rehabilitation.

Question by Donna Coleman:

Ms. Coleman questioned if the juvenile issues would be resolved prior to the legislative session.

Response by Susan Roske:

At present Judge Voy's ruling still stands and the Nevada Supreme Court has yet to rule whether Judge Voy's Order should stand.

Response by Keith Munro:

Mr. Munro commented that we are still at a point where AB579 is still stayed in both State and Federal Court. It is not clear whether the ACLU is going to seek a Writ of Certiorari with the United States Supreme Court. The scope and expansiveness of Judge Voy's Order is not inherently clear and still pending in the Nevada Supreme Court. Therefore, there are a lot of issues pending before we can get a definitive answer.

Statement by Scott Shick:

Mr. Shick notified the committee that the Juvenile Justice Administrators continue to operate under the old statutes, and continue to wait for the Court decisions and the advisement of the Attorney General's Office when the decisions are rendered. The Juvenile Justice Administrators are moving forward with new legislation with the intent to temper the mandatory juvenile requirement to registration and community notification.

Agenda Item #7
Public Comment:

Public Comment in Carson City

Patrick Davis:

Mr. Davis stated that he would like to applaud Scott Shick and Susan Roske. He is taking this information back to a number of organizations that he represents and feels these organizations would be behind their proposals. Mr. Davis feels that these proposals are prospective in the rules, they provide for notice and hearing; they are giving the decision to a Judge who makes determination on a case by case basis specific to an individual juvenile. Mr. Davis stated that the legislature wants to put in place the over broad, over reaching Adam Walsh Act that applies to every juvenile.

Mr. Davis reported that there was a Supreme Court decision in *Reynolds v. United States* in which many of the cases that the Ninth Circuit referred to in the ACLU v. Mastro decision were abrogated. There are issues that will be brought back in the Court because the legal law that the Ninth Circuit relied on is no longer there.

Mr. Davis expressed his understanding that AB579 is stayed, and that any application of that law cannot be enforced. Yet at this time his organization is aware of a number of cases that the District Attorney or the Attorney General is trying to take back to Court and adjudicate people that were already adjudicated or have been arrested or facing charges on the more strict enforcement of AB579. Mr. Davis feels this is going to create a number of constitutional issues for the State. Additionally, the Ninth Circuit legal decision was based on the fact that none of this had happened or been applied to a person creating a situation that they were underneath the law, and as soon as this law gets put into place, he knows of a large number of cases that will be filed because at that time the law will be in effect.

Statement by Brett Kandt:

Mr. Kandt stated that if Mr. Davis will provide him with the names, court and case numbers, of any instance he was alluding to in which the Attorney General or a District Attorney has gone back and has attempted to adjudicate under a State Law he will follow up. Mr. Kandt reiterated that he will need names, court, and case numbers.

Public Comment Continuation in Carson City

Patrick Davis:

Mr. Davis stated that he will have to ask permission of the party that has brought those issues to his attention.

Mr. Davis stated that the major study Dr. Brake refers to in his report relates to two hundred fifty one (251) sex offenders in 1988 which determined the sixty one

percent (61%) to eighty eight percent (88%) recidivism rate. This study was of one hundred thirty six (136) rapists and one hundred fifteen (115) child molesters which were determined to be pedophiles. In this study the broadest range of recidivism rate statistic was used, all the way down to the issuance of a traffic ticket for a period of thirty five (35) years. This study is an older study, and was specific to those two types of sex offenders. One of the caveats of this study is that the issue presented was not to be included in a meta-analysis, and not to be generalized.

Mr. Davis would like to know the re-offense rates of Dr. Brake's clients. Mr. Davis feels that if Dr. Brake is putting the issue of therapy and recidivism on the board, his track record of how his therapy has worked with his clients should be available. Mr. Davis stated there are a number of therapists in Nevada who have effectively documented their rates, but in his opinion the committee is reluctant to hear from these Nevada therapists. Mr. Davis stated that Dr. Brake's published research was all done on animals, even though the animal studies might be cognizant for physiological purposes, his published research was not done on humans or sex offenders. Mr. Davis stated that all Dr. Brake's issues are opinions, none of the material presented was peer reviewed or based on a scientific account.

Mr. Davis stated that when you look at the old higher recidivism studies vs. the new lower recidivism studies, the new studies are using specific recidivism instances and a large data population. For example, the 2005-2010 California study using over fifteen thousand (15,000) offenders on parole or probation, the recidivism rate for a re-offense of a sex crime was point one percent (.01%).

Mr. Davis would like to ask the State to authorize a study to be conducted on the actual offenses committed by sex offenders for new sex crimes. A number of years ago the State Legislature put in place a statute to track the statistics for sex offenders, two years later this statute was repealed, and has not been put back into place. In Mr. Davis' opinion the State does not wish to find out the actual recidivism rate statistics for Nevada. Mr. Davis stated in order to conduct a study there needs to be a strict definition of sex crime recidivism, not technical violations. Mr. Davis stated that there are unemployed people on parole who are being sent back to prison for violation of their parole conditions because they can't pay for their therapy. Mr. Davis stated that these are debtor's penalties and these issues are being used as statistics to determine a high likelihood of recidivism.

Wesley Goetz:

Mr. Goetz would like to know if Dr. Brake's study included treatment that he provided sex offenders for the last twenty two (22) years, and if any of the re-offenses were sex crimes or other non-related crimes such as theft. Mr. Goetz stated that Dr. Brake did not discuss what type of treatment is effective and efficient. In Mr. Goetz's opinion if Dr. Brake has been practicing for twenty two

(22) years, he should have provided information on treatment to lower recidivism rates and tier levels. Mr. Goetz stated examples of how people with other disabilities such as alcoholism are treatable. Mr. Goetz also stated that we do not have a warning system for other issues, such as soldiers coming back from wars' possibility of killing because they have been trained to kill. Mr. Goetz feels that retroactivity back to 1956 is cruel and unusual punishment. Mr. Goetz wants to know if any scientific research was done regarding the tier level changes in Nevada, and if they make the community safer. Mr. Goetz feels that the Adam Walsh Act is a scare tactic to make more tier level three (3) classifications of sex offenders. In reference to Susan Roske's statement that juveniles placed on the community notification website tend to be ostracized and ridiculed, Mr. Goetz stated that the same thing happens to adults. Additionally, moving adult sex offenders to a tier level three (3) makes it more difficult to find employment and housing, making them penniless and homeless, and being penniless and homeless results in reverting back to crime. Mr. Goetz hopes the committee researches scientifically the issues he has brought forward and to find out if the Adam Walsh Act will help the community be safer.

Public Comment in Las Vegas

Laurie Johnson:

Ms. Johnson stated that she has been actively involved in sex offender policy to prevent child sex abuse. Ms. Johnson thanked the committee in advance for bringing author Alyssa Klein to make a presentation this coming summer. Ms. Johnson stated that there is a lot of confusion since the decision in *ACLU v. Masto*. It has come to her attention that incarcerated sex offenders, and the facility in which they are being housed, are now being referenced on Las Vegas Metropolitan Police Department community notification website. Ms. Johnson sees that this could ultimately become a problem for Director Cox and the Nevada Department of Corrections (NDOC). Rex Reed mentioned at the March 7, 2012 for Administration for Justice Meeting, that the NDOC is responsible for the safety and well-being of the inmates, so they removed the conviction/crime information from the website. Ms. Johnson will submit her findings to the committee by email at a later date. In the March 7, 2012 for Administration for Justice Meeting, Ms. Johnson found that inmates had been getting people to obtain the conviction information from the NDOC website and several inmates were severely injured as a result of this information being given to the inmates. The public is still able to obtain information through the family services division through the NDOC. Now that the information can only be obtained by telephone, this should stop many from obtaining the information. Ms. Johnson feels it is important that a record is kept of those persons obtaining the information.

Ms. Johnson believes that the NDOC be allowed to treat and rehabilitate without any added danger, grief, or conflict. Ms. Johnson is bringing this information to the committee because she feels all the agencies should work together. Ms. Johnson stated that ultimately a huge number of the inmates convicted of sex

crimes will be released back into society, and it is imperative that they have been properly corrected, treated and armored with action plans for not re-offending. Ms. Johnson stated from a community safety standpoint for notification purposes, a three (3) to seven (7) business day advance notice of the release of a sex offender inmate would be sufficient. Victims of sex offenders can already obtain advance notice of offender release or movement. Ms. Johnson stated that subjecting incarcerated sex offenders to potential harm by having them on community website notification, we are doing our community and our children a grave injustice from a prevention standpoint, as they could be vested more in their own safety vs. their rehabilitation treatment.

Pat Heinz:

Ms. Heinz stated that Mr. Davis was correct in needing a definition between a technical violation and a felony charge. Ms. Heinz informed the committee she was in the process of doing research with sex offenders now released and the physic panel process. Sex offenders can't be released because they have not been certified as low risk. Ms. Heinz research includes how many times the sex offenders were denied parole because of minor technical violations, such a missing a counseling session, or drinking a single beer. Ms. Heinz stated that most people in the State, whether it is department staff or general population, are not aware of these technical violations. Ms. Heinz found Dr. Brake's presentation confusing, including a lack of people Ms. Heinz knows in the field missing from the presentation. Ms. Heinz travels the country speaking with other states parole and probation departments, and she has found that Nevada has some of the longest treatment plans for sex offenders. Ms. Heinz would like to see more training for parole and probation staff. Ms. Heinz stated that there is an excellent group in Nevada who are specialists in physiology for sex offenders, and feels that it is deplorable that they have not been asked to give a presentation. Ms. Heinz is also appalled at the lack of statistics being kept in Nevada. If decisions are going to be made using research, then more research should be conducted, and the general population should be educated and not excluded from these types of committees. Ms. Heinz reiterated her statement that the meetings concerning juvenile sex offenders and adult sex offenders should be separate.

Lawrence Rider:

Mr. Ryder stated that recidivism seems to be based on data provided by ex-felons, so unreliable they have to be polygraphed. Or if they are reliable employment bars the right to vote, those other things should be revisited. ACLU v. Mastro was limited to ex post facto analysis; they did not evaluate it under the thirteenth (13th) amendment.

Mr. Munro called for additional public comment, none was given. The meeting was adjourned by Keith Munro at 10:54 am.

Minutes respectfully submitted by Jan Riherd.

MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning
Sex Offender Registration

Date: October 18, 2013

Meeting Location: Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701
Conference Room # 2134

Video Teleconferenced: Legislative Counsel Bureau
555 E. Washington Avenue
Las Vegas, Nevada 89101
Conference Room # 4412

Committee Attendees:
Keith Munro, Brett Kandt, Richard Carrillo, Susan Roske, Donna Coleman,
Curtiss Kull, Senator Ruben Kihuen, Tod Story, Committee Legal Counsel Joe
Reynolds, and Secretary Janice Riherd.

Members of the Public Who Signed In As Present:
Jennifer Henry, Donella Rowe, Charlene Frost, Mercedes Maharis, and Pat
Hines.

Agenda Item #1:

Call to Order and Roll Call:

The meeting was called to order by Keith Munro, Assistant Attorney General and
Committee Chair at 10:08 am. Mr. Munro asked for roll call, the above members
of the committee were present.

Agenda Item #2:

Public Comment:

Mr. Munro called for public comment. The following members of the public came
forward and spoke:

Public Comment in Carson City:

Pat Hines:

Ms. Hines confirmed the name of the committee meeting today was Advisory
Committee to Study Laws Concerning Sex Offender Registration. Ms. Hines
referred to Item #6 in the agenda which lists SORNA as Sex Offender
Registration and Notification Act. Ms. Hines stated she was confused because
Nevada did not include Notification in their title.

Response by Keith Munro:

Mr. Munro explained that this committee is a statutory committee, and the committee was named by the Nevada Legislature. SORNA is a federal law. Therefore, one is a federal law, and the other is a state law.

Pat Hines:

Ms. Hines asked which law Nevada was "going by".

Response by Keith Munro:

Nevada is going by AB579 which was passed in the 2007 Legislature. AB579 is to bring Nevada into compliance with the federal law.

Pat Hines:

Ms. Hines asked if "notification" was included, it was her understanding that Nevada was only using "registration".

Response by Keith Munro:

Mr. Munro recommended getting a copy of the current law (NRS Chapter 179) and AB579, that notification is an aspect of both.

Pat Hines:

Ms. Hines stated that she read the minutes from the November 14, 2012 meeting, those minutes were very informative and educational.

Mr. Munro called for additional public comment, none was given.

Agenda Item #3:

Approve November 14, 2012 Meeting Minutes:

The minutes of the November 14, 2012 meeting were reviewed; Brett Kandt made a motion to approve the minutes, Curtis Kull and Susan Roske seconded the motion. Keith Munro called for any suggested additions or corrections, none were voiced. All committee members present were in favor of the motion. The motion was carried and the minutes of the November 14, 2012 meeting were approved.

Agenda Item #4 and #5 were combined:

Discussion of ruling in State v. The Eighth Judicial District Court., 129 Nev. (Adv. Op. 52, July 25, 2013), upholding AB579 over constitutional challenges:

and

Presentation by Honorable Judge William O. Voy, Eighth Judicial District Court, on possible amendments to Nevada's sex offender registration laws regarding juvenile offenders:

Judge Voy stated that the Adam Walsh legislation and legislation in general surrounding sexual offender registry and notification provisions is a policy

decision made by the executive and legislative branches of the government. Judge Voy informed the committee that his comments would be focused on his experiences as a Juvenile Court Judge in Clark County Nevada for the last ten (10) years. Additionally, his opinions and concerns pertain to the registration and community notification of juvenile sex offenders, not adult sex offenders. Judge Voy stated that there is a big difference in many respects between juvenile and adult sex offenders. The overwhelming majority of juvenile sex offenders do not offend because they have deviant sexual thought. They offend for a variety of different issues, for example, major mental health issues, their own sexual victimization when they were younger, hormones, instability in the family, and the fact that they are juveniles. Judge Voy stated that the purpose and reasoning behind a registry and tracking sex offenders relates to recidivism and to prevent further criminal conduct. There are a host of juvenile recidivism studies, most reporting a low range from two percent (2%) to eight percent (8%) recidivism rate. Juvenile sex offenders are different from adult sex offenders. The treatment provided by the system for juvenile sex offenders is very effective, recidivism studies show this effectiveness.

Judge Voy stated for the committee's edification that they were in the process of conducting their own recidivism and risk assessment study using one thousand (1,000) prior Clark County juvenile sex offender cases. The study is compiling data for long periods of time, and will not end when the juvenile reaches age eighteen (18) or age twenty-one (21). For example, one of the juveniles they are studying first offended in 1979. Judge Voy intends to present the results of this study to the Nevada Legislature next session.

Judge Voy continued by stating that the mandatory, arbitrary, designation in the Adam Walsh Act that was adopted by the Nevada Legislature designates age thirteen (13) as the age in which automatic registration and notification would occur. This creates problems and concerns in the juvenile justice system. For example, an eleven (11) year old offender under Judge Voy's jurisdiction, because of the juvenile's high risk to re-offend, remains under his jurisdiction as long as possible, or until the juvenile is age twenty-one (21). Because this juvenile offended prior to his fourteenth birthday, even though high risk, the juvenile drops off and does not qualify to be registered. Judge Voy reported that the vast majority of the juveniles under his jurisdiction complete treatment successfully and do not re-offend as juveniles. For those that work in this field and specialize with this population of offenders, for example, the DA's, the public defenders, and the probation officers; their assumptions will be proven accurate, just like the previous studies conducted. Judge Voy implores this committee to make a recommendation regarding juveniles at the next Nevada Legislative Session.

Additionally, Judge Voy wanted to point out something that was troubling to him. There are juvenile statutes that allows for and mandates the sealing of juvenile records at age twenty-one (21), or earlier under certain circumstances. The vast

array of these records are sealed. There is nothing in the Adam Walsh Legislation that allows the court to "unseal" at the request of someone, for example the Attorney General's Office or the District Attorney's Office, to address the issue of registration and notification. The intent of the retroactivity is thwarted. When the Adam Walsh Act was being discussed and enacted in the Legislature, none of these issues were brought up to any great extent.

Judge Voy suggests that this committee look strongly at the wording and comments in Logan, which the Supreme Court announced recently. In talking with colleagues, DA's, public defenders, etc.; no one has seen such strongly worded opinion both in the descent, and in the majority, suggesting that this law needs to be examined from a policy standpoint. (See, Attachment One (1)).

Question from Keith Munro:

Mr. Munro asked Judge Voy if he thought the mandatory registration age for juvenile offenders should be lowered, or perhaps give judicial discretion to make a determination of whether registration should begin.

Response from Judge Voy:

Judge Voy stated that he believes what was set forth in AB326, is a fair compromise and does allow for that discretion. The statutory scheme that was in existence prior to Adam Walsh allowed that discretion. As a Judge, he takes this discretion seriously. The hearings they used to have to make the decision were highly contested, very lengthy, and detailed analysis provided by both the Public Defender's Office and the District Attorney's Office of whether the offender should register or not, and if they pose a future threat to recidivate. Judge Voy stated that by giving discretion it allows this to happen. It is difficult for the juvenile offenders, after successfully completing the programing and therapy provided and demonstrated they have overcome the issues that caused them to offend, becoming straddled with the stigma of years of registration.

Question from Keith Munro:

Mr. Munro asked Judge Voy his opinion which was more of the stigma, the registration or the community notification.

Response from Judge Voy:

The prior statutory scheme automatically called for both community and school notification in the juvenile system for what would otherwise be considered a felony in the adult system. Notification would go to the local school district and local law enforcement would also keep a record. It would not be published on the internet. Judge Voy stated that this system seemed to work nicely.

Question from Keith Munro:

Mr. Munro asked Judge Voy if he thought some juveniles should be subject to community notification via the internet.

Response from Judge Voy:

Judge Voy stated that is why they previously had the hearings, to make that determination. Historically he has ordered community notification via the internet for a juvenile offender. He personally has not kept track of the numbers of those juveniles ordered for community notification vs. those who were not ordered.

Question from Assemblyman Richard Carrillo:

Mr. Carrillo asked Judge Voy what type of programs the Court provides for juvenile sex offenders.

Response from Judge Voy:

Judge Voy stated that mandated by statute, at least three (3) years of supervision for juvenile felony type offenses. Even with a gross misdemeanor they usually hold them to three (3) years of supervision. The average supervision time for the average case is six (6) months. A hearing is held at the end of the period of supervision to determine whether or not to continue supervision. Supervision of a juvenile is not released until a professional in this area has analyzed and provided treatment to the juvenile; and has provided the Court with a discharge summary stating the juvenile is at a low risk to re-offend. An array of services is provided from outpatient treatment to inpatient treatment. There are specialized group homes that provide the juveniles with additional supervision and treatment. There is an intensive supervision unit within Clark County that exercises supervision at a much higher level than the average juvenile on probation. Services are also provided for treatment of emotional issues and drug issues.

Question from Assemblyman Richard Carrillo:

Mr. Carrillo asked Judge Voy if the treatment providers were using evidence based treatments.

Response from Judge Voy:

Judge Voy stated that they insist upon evidence based treatment in all cases. Occasionally a private attorney will request to use a private therapist that is not certified to provide this level of treatment pursuant to the national model recognized by professionals in the industry. They only use those individuals who employ the best practices and treatment that have been proven to be successful.

Question from Donna Colman:

Ms. Colman asked Judge Voy who was conducting their study.

Response from Judge Voy:

Judge Voy stated that it was in conjunction with the Court and Dr. Paglini, who is an expert in both the area of juvenile and adult sex offenders. The study is analyzing not only recidivism rates, but also twenty-eight (28) sets of variables. If the juvenile did re-offend, what was the profile at the time of Court supervision.

This study will aid the practitioners in the field to be better prognosticators of determining risk in the future. The study did not begin until approval from the last Legislative session, SB31, which allowed them to re-open sealed cases to obtain the information necessary to provide to Dr. Paglini and his staff. Additionally, local records and state records are being checked for any recidivism records. Judge Voy is working with the FBI to run their results through NCIC. Results from NCIC will be compared with the appropriate state and local jurisdiction and obtain the records to determine what happened in that jurisdiction to correlate with the other data.

Question from Donna Colman:

Ms. Colman asked Judge Voy was a therapist or from UNLV.

Response from Judge Voy:

Judge Voy stated that Dr. Paglini is in private practice, a Board Certified Forensic Physiologist who has worked in this field for over twenty (20) years.

Question from Donna Colman:

Ms. Colman asked Judge Voy when the study would be completed for public view.

Response from Judge Voy:

Judge Voy stated completion would probably be close to the next Nevada Legislative session.

Question from Keith Munro:

Mr. Munro asked Judge Voy to spell the name of Dr. Paglini for the record.

Response from Susan Roske:

Ms. Roske confirmed the spelling as PAGLINI.

Mr. Munro called for additional questions for Judge Voy, none were asked.

Agenda Item #6:

Discussion of letter to Governor Sandoval from Dawn Doran, Acting Director of the U.S. Department of Justice, Office of Justice Programs, regarding Nevada's continued implementation of SORNA:

Mr. Munro confirmed that each of the committee members received a copy of the letter in their packet with the Agenda. Mr. Munro stated that this was a letter resulting from communications of the Nevada Department of Public Safety with the U.S. Department of Justice to confirm that Nevada is still compliant with the Adam Walsh requirements. This letter indicates that Nevada remains compliant. As this committee continues to study issues, Nevada will remain in compliance with the Justice Department to keep Nevada's certification. (See, Attachment Two (2)).

Mr. Munro called any questions regarding this letter, none were asked.

Susan Roske asked that we return to Agenda Item #4:

Ms. Roske wanted to advise the committee that she will seeking a Petition for Writ of Certiorari to the U.S. Supreme Court, and there may be further litigation involving this legislation.

Question from Keith Munro:

Mr. Munro asked Ms. Roske what she expected her briefing schedule to be, and when she might expect a decision in this matter from the Supreme Court.

Response from Susan Roske:

Ms. Roske stated that they would first wait hear if the U.S. Supreme Court would agree to review the matter, and then await a briefing schedule from the Court.

Question from Keith Munro:

Mr. Munro asked if a Stay from the Nevada Supreme Court was still in effect, or if the Stay had been lifted. If the Stay has been lifted does she anticipate asking for a continued Stay before the Supreme Court.

Response from Susan Roske:

Ms. Roske stated that the Stay has been lifted by the Nevada Supreme Court, and yes, she will be asking for a continued Stay.

Question from Donna Colman:

Ms. Colman asked Mr. Munro that since the Stay has been lifted, when is the anticipated roll out of the registry.

Response from Keith Munro:

Mr. Munro stated that he doesn't believe the Remittitur has been issued by the Nevada Supreme Court. The Department of Public Safety was not in attendance, but they are moving very quickly to get the registry up and going.

Agenda item #7:

Public Comment:

Mr. Munro called for public comment from Las Vegas, none was given.

Mr. Munro called for public comment from Carson City, the following member of the public came forward and spoke:

Pat Hines:

Ms. Hines stated that her public comment was as age-old as the AWA. She has asked for help from many people in this State, and today is a good example of what is being done, or going to be done for adult sex offenders. Ms. Hines stated that every time she comes to something, or get involved in comments, the adult

sex offenders are put by the wayside. She asked that consideration start being given to adult sex offenders. They are human beings in more ways than many juveniles. They have done all the requirements asked of them to get released and be a citizen again. She wished that everyone hearing this to please keep that in mind.

Mr. Munro called for additional public comment, none was given. The meeting was adjourned by Keith Munro at 10:41am.

Minutes respectfully submitted by Jan Riherd.

MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning
Sex Offender Registration

Date: November 14, 2012

Meeting Location: Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701
Conference Room # 2134

Video Teleconferenced: Legislative Counsel Bureau
555 E. Washington Avenue
Las Vegas, Nevada 89101
Conference Room # 4401

Committee Attendees:
Keith Munro, Brett Kandt, Senator Ruben Kihuen, Susan Roske, Donna Coleman, Curtiss Kull, Scott Shick, Elizabeth Neighbors, Committee Legal Counsel Julie Towler, and Secretary Jan Riherd.

Members of the Public Who Signed In As Present:
Alisa Klein via telephone; Edie Cartwright, Diane McCord, Vanessa Sanazola, Michon Martin, Kareen Prentice, Mercedes Maharis, and Wesley Goetz.

Agenda Item #1:

Call to Order and Roll Call:

The meeting was called to order by Keith Munro, Assistant Attorney General and Committee Chair at 10:00 am. Mr. Munro asked for roll call, the above members of the committee were present.

Agenda Item #2:

Public Comment:

Mr. Munro called for public comment. The following members of the public came forward and spoke:

Public Comment in Carson City:

Edie Cartwright, Nevada Attorney General's Office:

Ms. Cartwright submitted for the record a report entitled *A Multi-State Recidivism Study Using Static-99R and Static-2002 Risk Scores and Tier Guidelines from the Adam Walsh Act*. See, Attachment One (1). Ms. Cartwright stated that this was a report that was developed under grant by the Department of Justice. Ms. Cartwright read a short abstract from this report.

Wesley Goetz:

Mr. Goetz stated that in the summer of 2012 he had to move out of his apartment in which he had resided for two (2) years. A new resident learned through the sex offender website that Mr. Goetz was a sex offender and the management forced him to move out. Two (2) days after moving into his new apartment someone called his Parole and Probation Officer regarding his new residence location. The Parole and Probation Officer assured this individual that this was a good location for Mr. Goetz to reside. Mr. Goetz wanted the committee aware that the information on the website has a potential of making people homeless.

Mr. Goetz asked if any research had been completed on the information he previously presented regarding the California Penal Code and if Nevada risk assessment scales for sex offenders reflects the most reliable, objective and well established protocols for predicting sex offender recidivism. Additionally, he stated if that scale has been scientifically validated and cross validated and if it is widely accepted by the Courts. Mr. Goetz asked the committee to consult with experts in the field of risk assessment and the use of actual instruments in predicting sex offender risk, sex offender treatment, sex offender mental health, and law as it deems appropriate. He also asked if research had been done on the tools used for Tier Ranking is scientifically validated and cross validated.

Mr. Goetz reported that he had done some research of the history of Senate Bill 68, done in 1963, which created the Board of Physiological Examiners and provided for certification of Physiologists. This bill led to NRS 641.390. Mr. Goetz read this NRS Statute. Mr. Goetz stated that his understanding of this Statute is that the Physiologists working in the Nevada State Hospitals and the Nevada State Prisons do not have to be licensed.

Mr. Goetz reported that he had done some research of the history of Senate Bill 99, which had a bulletin of January, 1977 that in part stated, Adult Sex Offenders which will eventually be released from prison shall be placed in highly structured realistic and responsible treatment programs while they are incarcerated. The bulletin also stated in part to include a statement in the final report recommending to legislature, appropriation so all convicted sex offenders, particularly inmates in the Nevada Department of Prisons, receive the appropriate treatment to reduce the chance that they will re-offend. Mr. Goetz stated that this bulletin was from 1977, it is currently 2012, and the treatment programs are led by unlicensed physiologists. Mr. Goetz stated that our legislature wanted treatment in Nevada's prisons so sex offenders would not be released from prison and re-offend.

Mr. Goetz read a portion of a letter written on October 18, 2012 by Connie Bisbee, Parole Board Chairman, to Shirley Foster, Deputy Director of Corrections, which stated in part; "during the review we also learned that the STOP Treatment Program for Sex Offenders had been modified by the NDOC and is no longer being conducted in strict compliance with the STOP Treatment

Guidelines. The STOP Program is used in other correctional settings and is known to reduce recidivism in sex offenders when administered according to the curriculum. " Additionally Mr. Goetz stated, that there is a 2012 report by James Austin which states that only sixteen percent (16%) of Nevada's inmates that are sex offenders recidivate compared to twenty-two to twenty-seven percent (22% - 27%) of other offenders recidivating. Mr. Goetz wanted to tie in his statements with the upcoming presentation by Alisa Klein, that treatment will prevent child sexual abuse if given effectively and efficiently.

Statement by Chair Keith Munro:

Mr. Munro stated that upon completion of the minutes of this meeting he would like to draft a letter, include a copy of the report submitted to the legislature in August, 2012 and the minutes from the November 14, 2012 meeting, and send it to the chief of Parole and Probation. Mr. Munro stated that Mr. Goetz has done a lot of good research, so we should send this information to Parole and Probation.

Susan Roske:

Susan Roske stated that she had received an email from Pat Heinz that she would submit for the record. (See, Attachment Two (2)).

Agenda Item #3:

Approve April 5, 2012 Meeting Minutes:

The minutes of the April 5, 2012 meeting were reviewed; Keith Munro called for any suggested additions or corrections, none were voiced. Brett Kandt made a motion to approve the minutes, Scott Shick seconded the motion; all committee members present were in favor of the motion. The motion was carried and the minutes of the April 5, 2012 meeting were approved. (See, Attachment Three (3)).

Agenda Item #5: (Taken out of order)

Presentation on Human Trafficking Bill Draft to be Presented at the 2013 Legislative Session by Michon Martin and Kareen Prentice:

Michon Martin reported that Attorney General Cortez Masto is presenting to the 2013 Legislature an omnibus bill on Sex Trafficking. General Masto has reached out to various stakeholders on this issue to ascertain what is going to be productive for the State of Nevada. General Masto also wanted the legislation described to this committee and to answer any questions.

Michon Martin stated that this bill is seeking to combat Human Trafficking effectively. An investigation was made into what other states are doing with this issue along with partnering with the Polaris Project, an organization that is committed to combating Human Trafficking. The author(s) have tried to determine what currently works well when looking at changing the laws. They are taking the Pandering Statute that currently exists and are proposing to broaden and modernize the definition of that Statute into the Sex Trafficking Statute. When looking at the Pandering Statute, many pieces of that Statute

have not been changed since 1916, and there were many parts that people either did not understand, or did not know how to use.

Sex Trafficking of a child will be the first piece of this legislation, and it does not require that force or violence be proven. The Department of Justice and many other States across the nation are moving to not requiring that the force or violence elements be proven. This is important because the perpetrators of these crimes are very good at "grooming" young people, very similar to what commonly occurs in a child sexual assault. They build a relationship with the juveniles and consequently the juveniles would do whatever the perpetrator wants them to do.

The next piece of this legislation is Sex Trafficking of adults. The author(s) wanted to make sure Nevada was using the federal definition of Sex Trafficking. Therefore, when collaborating with other agencies, counties or states, the same course of conduct and the same action is being discussed.

The author(s), in speaking with the stakeholders in this legislation, found that one piece of the legislation that was very important is in increasing penalties. Currently, the penalty for pandering an adult is one (1) to five (5) years in prison, and usually that perpetrator gets probation. They spoke with prosecutors, law enforcement officers, service providers and looked at the federal sentencing guidelines. After that review it was decided to propose increasing the punishment one sentencing level from a C to a B category felony. In the new bill draft it will be proposed a three (3) to twenty (20) years in prison penalty in an adult sex trafficking offense. The penalty regarding a juvenile victim will be very different. When a perpetrator is using a juvenile victim for sex trafficking, it is a very distinctive crime. There are two age categories of victims, under fourteen (14) years of age, and fifteen (15) to eighteen (18) years of age. The penalty will be an A category felony, which is ten (10) years to life or fifteen (15) years to life, depending the age. Ms. Martin stated that in her tenure as a prosecutor she would try and conceptualize the amount of time the juvenile victim would need to get self-actualized, grown up, going to school, and protect them before this perpetrator gets out of custody.

Ms. Martin stated to this end, they also wanted to include Sex Offender Registry. This is a notice issue and feels it is important that our community understands who they are living near, and are able to protect their children, their neighbors, and fellow citizens. Therefore, within this bill, they are including Sex Offender Registration for those convicted of sex trafficking.

Ms. Martin reported that the Polaris Project embodies the three (3) P's; Prevention, Prosecution, and Protection. In this bill they are trying to include each of these three P's. In speaking with law enforcement, they learned that gangs are starting to get into this business nationwide. In looking at other states what appears to be very effective is to include this offense in the Racketeering

Statutes. In having RICO actions, law enforcement could potentially sweep up an entire gang. The same is true with the Conspiracy Statutes. This is to make sure the State has effective tools to combat what is seen as a growing problem. Also stated that included in the bill is the potential for wiretapping. Even though it is very difficult to get a wiretap, if approved, a recording is extremely good evidence in a prosecution.

Process is being provided for asset forfeiture in this bill. It is important to be able to seize what assets are appropriate, and then those assets would go to the victim-claimant. If there is not a victim, or there is no longer a victim, then the assets would go to services for prevention and protection. Also, to that end, there is included Court Discretionary Mandatory Restitution. The Court would be able to look at the specific facts of each case, for example how much money was made on the backs of the victim, what is the value of the suffering of each victim, and any and all other appropriate means. Mandatory Restitution would go first to the victim-claimant, or there is no longer a victim, then the assets would go to services for prevention and protection.

Ms. Martin reported that the Polaris Project is currently in about three quarters (3/4) of the states, and there are many aspects/parts that they feel work extremely well. One that the author(s) chose to put into this bill is a Civil Cause of Action for any victim of Human Trafficking. Even though the author(s) are not sure how often a civil case would be filed, they feel that the concept of a victim becoming a survivor and being able to sue the perpetrator could possibly be a powerful tool to empower the victim-survivor. Another portion the author(s) included is the treatment of sex trafficking victims the same as victims of sexual assault, within the rape shield law, making sure there is confidentiality provided, and the same statute of limitations. Another piece of this bill is the ability to preserve testimony. In the event for example, the Defendant waives their Preliminary Hearing the Victim also has a right to a Preliminary Hearing. The victim is able to testify and preserve his/her testimony. This is important prosecution evidence in the event the victim is unavailable when the case finally comes to trial.

Kareen Prentice spoke about some of the victim components of this bill. Ms. Prentice stated that it was important that the Attorney General chairs the Victims of Crime Sub-Committee of the Advisory Commission on Justice. A bill draft request was submitted by the Victims of Crime Sub-Committee to the Advisory Commission, which was approved. A Legislator is still needed to pick up this piece of legislation. This bill draft request eliminates the Victims of Crime Statue that requires victim documentation of being a US citizen. This bill draft also includes a forensic sexual examination portion, which helps the rural counties in providing funding for forensic sexual examination that is currently taking place in Washoe and Clark counties and not available in the rural counties. Also being added is that sex trafficking victims would be eligible for victim compensation through the Victims of Crime Subcommittee.

Michon Martin stated that the last piece of this bill is to expand the Office of the Child Advocate for Missing and Exploited Children so that the Attorney General's Office has concurrent jurisdiction in sex trafficking cases. General Masto wanted to make sure they were providing help and resources in this area. For example, if a rural county was not used to prosecuting these extremely difficult types of cases given the broken state of the victims, that the Attorney General's office can provide assistance, collaborate, or potentially do a prosecution. This portion of the bill is intended only to assist the counties, not to take over the prosecution.

Question by Keith Munro:

Mr. Munro inquired if any other states were working on similar legislation.

Response by Michon Martin:

Ms. Martin stated that this type of legislation is in many states. The Polaris Project is in approximately three quarters (3/4) of the states, and they rate the states on how effectively each state is combating human trafficking. Those states that have already implemented the laws get a nine (9) or a ten (10), for example California, Minnesota, and Illinois who have already implemented these laws to great effect. Most of the states are in the middle "grades" and are working on legislation to implement these laws. Polaris was instrumental in assisting Nevada in drafting a bill draft legislation that would work for Nevada.

Question by Keith Munro:

Mr. Munro inquired what groups within Nevada have been presented this proposed legislation, and what has been the reaction regarding this proposed legislation.

Response by Michon Martin:

An informal working group was put together by General Masto. This group has spoken to many individuals and groups. For example, Theresa Lowry in the Clark County DA's Office, Kristin Erikson in the Washoe County DA's Office, Mark Jackson in the Douglas County DA's Office, numerous prosecutors, law enforcement both in the north and the south portions of the state, the Sheriff's and Chief's Meeting, countless service providers, the FBI Victim Specialists, a whole host of interfaith organizations, and the Awaken Organization who is looking to build a safe house. They also spoke to Susan Roske, a member of this committee, who was instrumental and gave positive feedback. They are scheduled make a presentation to the Las Vegas Child Advocacy Alliance. Overall, the reception has been exceedingly positive. When they have received feedback that a portion might not work they have made changes. Ms. Martin reported that when the BDR is back from LCB they will take it back around to the groups again to make sure it works for everyone. General Masto made it clear that she wants this legislation to be user friendly, and to work for all who deal with this type of crime.

Question by Keith Munro:

Mr. Munro asked that because these types of crimes are national, and go across several states, information gathering is key. Mr. Munro inquired as to the IT aspects that have been done on information gathering.

Response from Michon Martin:

They are currently working on this issue. They have met with one company that is very adept at sharing information across state lines while simultaneously utilizing security techniques, they have met with law enforcement both from the north and south and the Fusion Centers regarding gathering and sharing data.

Question by Brett Kandt:

Mr. Kandt referred to Ms. Martin's statement regarding the victim's right to a Preliminary Hearing and questioned if this had been found in other states to satisfy the Sixth (6th) Amendment right to confrontation by preserving the testimony so that the victim, or the person testifying, is unavailable at trial, but were available at the Preliminary Hearing.

Response by Michon Martin:

Yes, this has been found to be constitutional. The Court makes a determination at trial whether or not the victim is available or unavailable. There is a whole host of things that the prosecution has to prove for the Court to make a finding of unavailability and then to use preserved testimony. There is a process that insures the defendant's rights are preserved.

Question by Susan Roske:

Ms. Roske asked what would be the tier level for sex trafficking of a juvenile.

Response by Michon Martin:

They are awaiting receipt of the BDR from LCB to determine what was done with that portion. Upon receipt, Ms. Martin stated she would consult with Ms. Roske to insure they were on the right track regarding tier levels.

Agenda Item #4: (Taken out of Order)

Presentation on Reshaping Sex Offender Policy to Prevent Child Sexual Abuse by Alisa Klein, Public Policy Consultant Association for the Treatment of Sexual Abusers:

Ms. Klein appeared telephonically and stated that she is a Consultant to The Association for the Treatment of Sexual Abusers on public policy that is related to treatment and management of sex offenders. Ms. Klein stated that she co-authored a document named *A Reasoned Approach* with Joan Tabachnick on which her presentation was based. Ms. Klein also stated that the Center for Sex Offender Management has been key in developing community based sex offender management treatment and that a number of other researchers aided in the information contained in her presentation.

Ms. Klein gave read from a PowerPoint Presentation, and provided members of the committee copies of each of the slides that she read. (See, Attachment Four (4)). Ms. Klein recommends a positive approach to preventing sex offences in a primary prevention approach before the perpetration, not just responding to the known sex offenders who make their way into the system. Ms. Klein recommends that in addition to reviewing the information in this slide presentation to read the document *A Reasoned Approach* authored by Ms. Klein and Joan Tabachnick on the topic of how to prevent sex offenses before they are perpetrated.

Question by Brett Kandt:

Mr. Kandt referred to presentation slide five (5), regarding recidivism and studies, in in which Ms. Klein refers to percentage of re-offense rates, and inquired what time period this covered.

Response by Alisa Klein:

Ms. Klein stated that pursuant to presentation slide seven (7), the time period is between four (4) and six (6) years. With treatment, between four (4) and six (6) years follow up there is approximately a twelve percent (12%) to eighteen percent (18%) recidivism rate. Ms. Klein went on to state that there is a Department of Justice study that shows a five percent (5%) recidivism rate over a five (5) year tracking period. Additionally, Howard Snyder, a lead statistician for the Department of Justice, is just completing a study that did more of a longitudinal analysis of ten (10) to sixteen (16) years and this study brings the DOJ five percent (5%) recidivism rate up to approximately ten percent (10%) to fifteen percent (15%) for untreated sex offenders.

Question by Brett Kandt:

Mr. Kandt's understanding is that the longer the time period a sex offender is tracked, the more likely the re-offense rate will increase.

Response by Alisa Klein:

Ms. Klein responded yes and confirmed Mr. Kandt's understanding. Ms. Klein added that while the re-offense rate will increase over time, the older the offender gets the more likely they are to re-offend. She believes that will mitigate the trend of re-offense over time.

Question by Brett Kandt:

Mr. Kandt inquired if there was any evidence supporting that if the sex offender re-offends at all that it will be soon after release from incarceration.

Response by Alisa Klein:

Ms. Klein stated that was a good question; however she does not know the answer. The lead researcher in this field is Carl Hansen in Ontario, Canada. Additionally, a Florida researcher named Robin Williams is a good source for the

answer to that question. Ms. Klein stated that she would be happy to provide their email addresses for inquiry.

Statement by Keith Munro:

Mr. Munro advised Ms. Klein that if she would email those addresses to him he would disseminate them to Mr. Kandt and any other members of the committee who had questions.

Question by Brett Kandt:

Mr. Kandt referred to presentation slide nine (9), and first inquired of this chart was based on reports of sexual assault, conviction, or another factor.

Response by Alisa Klein:

Ms. Klein stated that this chart was based on reports, not incidents. Ms. Klein stated that some people in the policy realm feel that some of the policies discussed by Ms. Klein have acted as deterrents to people wanting to report, and the decline reflected in the government studies comes from the fact that less is being reported, not that incidents are declining. In terms of child sexual abuse specifically, the two leading researchers that have analyzed all of the government collected data of the fifty-eight percent (58%) decline in child sexual abuse, feel strongly that policy plays a very small role, if any role at all in reports. It is not just a reduction in reports; it is an actual reduction in incidents.

Question by Brett Kandt:

Mr. Kandt asked if Ms. Klein would agree that the overall twenty (20) year decrease in the sexual assault rate trend reflected on the chart mirrors the overall decrease in violent crime in the United States for the same period of time.

Response by Alisa Klein:

Ms. Klein agreed emphatically to Mr. Kandt's statement. In addition, she stated that she just attended a conference in which the overall twenty (20) year decrease in the sexual assault rate trend is embedded in the overall violent crime decline.

Question by Brett Kandt:

Mr. Kandt referred to presentation slide thirty-six (36), detailing the last twenty (20) year enactment of the Sex Offender Notification laws, if she thought there could be some correlation between the drop in the overall rate of sexual assault and the enactment of tougher laws, SORNA, and the fact that they have prevented future crimes.

Response by Alisa Klein:

Ms. Klein stated that no research has been done to indicate the correlation between the laws and the decreases in sexual assault. Additionally, this would be a good question to email the researchers she previously discussed and agreed to provide their email addresses.

Question by Brett Kandt:

On presentation slide thirty-four (34), the death penalty is referenced. To clarify, Mr. Kandt wanted everyone to be aware that in *Kennedy v. Louisiana* the US Supreme Court ruled that a Louisiana law which was enacted making child sexual assault eligible for the death penalty, was ruled unconstitutional and cruel and unusual punishment under the Eighth Amendment.

Response by Alisa Klein:

Ms. Klein agreed emphatically to Mr. Kandt's statement and added that a few states still have the death penalty on their books, but the US Supreme Court did rule it unconstitutional.

Question by Brett Kandt:

On presentation slide forty-three (43), the Minnesota Department of Correction Study regarding residency restriction that not a single re-offense would have been prevented by an ordinance restricting where sex offenders could live. Mr. Kandt asked how if not by restriction would we even know if this is true.

Response by Alisa Klein:

Ms. Klein could not recall the specific methodology of Minnesota Study, but believes that they tracked the offenses that re-occurred, and in terms of the location of where the offense occurred and the location of the sex offender(s) residences, not correlative effect was seen. This study is available for download online.

Question by Susan Roske:

On presentation slide sixty-five (65), you state that policies are counterproductive to the goal of these youth developing the capacity to live successfully in a pro-social environment. Ms. Roske inquired if this was in reference to public notification and registration.

Response by Alisa Klein:

Ms. Klein stated that she believes that all of the policy trends, but primarily public notification and residence restriction that are looked at as counter-productive to re-integrating youth back into communities.

Question by Susan Roske:

Ms. Roske inquired if Ms. Klein knew how many states had rejected the Adam Walsh Act because of the inclusion of juvenile delinquency adjudication.

Response by Alisa Klein:

Ms. Klein stated she believed that there were six (6) states that have definitively refused to implement in part because of the inclusion of juvenile delinquency adjudication. There are many other jurisdictions, including Indian Tribes, that have not made official statements that they are not going to comply, but simultaneously they are also not working towards compliance. From some

conversations she has had with some of those jurisdictions, the juvenile piece is a major concern. In the January 2011 guidelines from SORNA, the mandate from the federal government to states and jurisdictions to include juveniles on the public notification and registry was removed. The states and jurisdictions now have the discretion to keep juveniles off the public notification and registry. Ms. Klein stated that this was done very pointedly by SORNA because the juvenile inclusion in public notification was a huge problem for jurisdictions in implementing the Adam Walsh Act.

Question by Donna Coleman:

Ms. Coleman inquired how she could reconcile and have confidence in the statistics, because, on one hand Ms. Klein reports that recidivism is low, but also that sex offenses are one of the most unreported crimes.

Response by Alisa Klein:

Ms. Klein agreed that the difference in these two statistics puts a large question mark next to the recidivism rates. She believes that there has been some research into recidivism rates of different kinds of sex offenses. For example, interfamilial situations, where they see the recidivism rates are the lowest of all offenses. However, it is also known that the closer the relationship to the victim, the less likely is to be reported. It is additionally known that if someone is a known sex offender and if the local jurisdiction was doing some level of supervision they are going to be watched much more carefully, therefore if there is a re-offense it is much more likely to come to the attention of the authorities and be recorded as a re-offense. Ms. Klein stated that there is occasionally failure within the system, but overall the reason the statistics are used and rely on the research is that they feel the offenders who are already in the system are being tracked carefully enough that there is going to be access to that information.

Question by Keith Munro:

Mr. Munro stated that one of the things he gleaned from her presentation is that registration and notification for the management of sex offenders can be important tools.

Response by Alisa Klein:

Ms. Klein agreed with Mr. Munro. She stated by using risk assessment tools and decisions concerning who those offenders who pose the greatest risk for re-offense need to be monitored.

Question by Keith Munro:

Mr. Munro inquired if Ms. Klein had reviewed any of Nevada's existing laws regarding the management of sex offenders, and if there was any area that needed improvement.

Response by Alisa Klein:

Ms. Klein stated that she had followed some of the issues regarding Nevada's implementation of the Adam Walsh Act, but was not familiar with the specific laws currently in place. She would be happy to assist and offer recommendations in the future, but that the Center for Sex Offender Management would probably be a better source for information.

Agenda Item #6:

Presentation on SORNA Implementation Review by Julie Towler:

Ms. Towler presented to the committee a document entitled SORNA Implementation Review State of Nevada, dated February, 2011. (See Attachment Five (5)). This document is a summary regarding specific provisions related to Nevada's law and comments by the SMART office regarding Nevada's Implementation.

Mr. Munro called for questions by the committee to Ms. Towler regarding this document submitted for the record, no questions were given.

Agenda Item #7:

Discussion on resubmitting language from A.B. 326 (2011 Session) – Various changes to provisions governing juvenile sex offenders presented by Scott Shick:

Mr. Shick is Chief of Juvenile Service of Douglas County and represents the Nevada Association of Juvenile Justice Administrators. Mr. Shick is informing the committee of the re-submission of AB 326 from the last legislative session. They have not presented this to LCB as of the date of the meeting, but plan to do so and have legislative support regarding this re-submission. There are reasonable modifications to particular language revising the matter in which certain juveniles who are adjudicated delinquent for certain acts are required to register as juvenile sex offenders. There might be some additional changes with regard to retroactivity in which he would ask Ms. Roske to comment. Mr. Shick stated that he did not see a necessity to review the entire language with the committee, as it is very similar to the previous submission. This re-submission tempers the reasons and justifications for registration and notification of juveniles that have been adjudicated.

Susan Roske's addition to the presentation:

Ms. Roske stated that one of the concerns in justifying this act is including children who have been adjudicated delinquent in the entire scheme of AB 579. The bill as it is written is that it is prospective, meaning it only affects children adjudicated delinquent in the future and it will not address previously adjudicated delinquent children from 1956 to the present day. It would require those children adjudicated delinquent of certain offenses would be subject to public registry. The idea of this legislation is to correct the mistake of the 2007 legislature. A statute has been carved out that would address the minimum requirements under Adam Walsh, making this particular statute prospective only. A child could only

be adjudicated delinquent under this statute that would require immediate community notification on the website if the child was given notice prior to entry of plea or finding of guilt by a court. She feels that the legislature needs to take action to correct the problem.

Question by Donna Coleman:

Donna Coleman asked if there was an update on the lawsuit.

Response by Susan Roske:

The case was argued in the Supreme Court in June, 2009; and has been submitted to the court for quite some time without a decision to date.

Response by Keith Munro:

The Federal lawsuit is back in the Federal District Court for work on some consent decrees, but as far as the litigation on the merits of the case, that is complete. To implement we must wait on the state court proceedings mentioned by Ms. Roske to be finalized as well in order to implement.

Agenda item #8:

Public Comment:

Mr. Munro called for public comment. The following members of the public came forward and spoke:

Wesley Goetz:

Mr. Goetz read additional excerpts from the 1997 Bulletin, The Treatment of Mentally Ill Offenders. Sex Offender treatment can be expensive, between \$5,000 and \$15,000 per year for intensive supervision and treatment. An additional year of treatment costs considerably less than an additional year of prison. Building a prison cell costs approximately \$55,000 and yearly cost of operation is approximately \$22,000. If treated, offenders can be rehabilitated and integrated back into society the cost of treatment can be considered affordable. Another portion of this bulletin contains a statement by Chairman James that sex offenders who are not treated are motivated to continue and escalate their crimes. An additional Chairman James statement was that at least seven (7) research groups have analyzed sex offender treatment during the last fifteen (15) years, and all but one (1) have found positive effects of treatment. Chairman James also indicated that the national study of sex offenders' in 1993 found that the recidivism rate of treated sex offenders was at 10.9% vs. 18.5% for untreated offenders. At the sub-committee's meeting in Las Vegas on February 1, 1996, Dr. Arthur Gordon, Director of Sex Offender Treatment Program at Washington State Twin Rivers Correctional Center, stated that treatment can reduce recidivism rates particularly with high risk sex offenders, but it must be tailored to specific sub-groups of sex offenders to be effective. Dr. Gordon continued by stating that although treatment is most effective with high risk sex offenders, it should be available to all sex offenders as this treatment program had only a 4.4% failure rate among all sex offenders who received

treatment. This bulletin also contained a recommendation of Dr. Diane Mercer, a Clinical Physiologist of Reno, was that the sex offenders are not effectively served by treatment providers who do not have sex offender specific training and certification in the most recent treatment methods. Mr. Goetz reported that based on these concerns, the sub-committee's final report recommended that treatment for sex offenders be provided by therapists who specialize in sex offender specific therapy. Additionally Mr. Goetz reported that this bulletin contained information regarding certification by the Psych Panel, by law an offender convicted of a certain sex offense may not be paroled until a board consisting of an Administrator of a Mental Hygiene and Mental Retardation Division of the Department of Human Resources, the Director of the DOP, their designees, and Physiologists licensed to practice in Nevada, have certified that the offender was under observation while confined in an institution and is not a menace to the health and society or the morals of others. This board is commonly referred to as the Psych Panel. Mr. Goetz reported that the law was changed in Senate Bill 187, besides being certified, the Psych Panel now has to evaluate offenders. Mr. Goetz stated that the terminology for the Psych Panel is a Panel of three (3) licensed physiologists that are licensed by the state of Nevada Board of Physiological Examiners, or Psychiatrists that are licensed to practice medicine in the state of Nevada and certified by the American Board of Psychiatrists and Neurology. Both physiologists or psychiatrists have to have a PhD in Physiology from a college or university accredited by the American Physiological Association. Both physiologists and psychiatrists have to be specifically trained and competent in the field of conducting an evaluation for sex offenders, including, having the knowledge and being competent in how to conduct different kinds of risk assessment instruments, tools, and tests to evaluate sex offenders. Additionally, they need to be competent in how to use all tests for sex offenders that will be consistent and maintain a level of scientific validation ensuring that the sexual evaluation will be precise to evaluate what level, low, moderate, or high risk to re-offend. Both physiologists and psychiatrists have to three (3) or more years' experience in the field.

Mr. Goetz stated that he agreed with Alicia Klein, that treatment does reduce recidivism rates. Instead of spending all the money on the Adam Walsh Act, Nevada should provide more treatment for sex offenders from people with the previously stated credentials. Additionally, Mr. Goetz stated that the individuals in the prison system providing sex offender treatment should also have the same credentials.

Mr. Goetz stated that Earl Neilson conducted a study and produced a sixty (60) page report of different categories of sex offenders. If provided a grant, Mr. Neilson, through UNR and with UNR interns, is willing to research categories of sex offenders and their treatment methods and risk assessment tools required to assess sex offenders.

Mr. Goetz submitted an abstract of different reports, and will in the future be submitting Mr. Neilson's report and letter to the committee. See, Attachment Seven (7)).

Mercedes Maharis:

Ms. Maharis presented A Position on the Sex Offender Registry, which was put together at Hotel Harrington, Washington D.C. during Labor Day weekend 2012. This is an alternative Approach to Sex Offender Registry. Cure takes a position that Sex Offender Registries be abolished. Present laws have rarely assisted in the prevention of an abusive situation. Approximately ninety percent (90%) of all sex offenses are committed by a family member or a close acquaintance. Recidivism rates of less than five percent (5%) by convicted sex offenders mitigates against the efficacy of the tremendous expenditure for the registries. Ms. Maharis stated that these figures come from the Department of Justice. Additionally Ms. Maharis added that registration results in severe collateral consequences such as unemployment, homelessness, and often physical and humiliating attacks on registrants, their property, and perhaps their families. The Sex Offender Registry has resulted in registrants and their families facing significant obstacles in building a new life for themselves after incarceration. Ms. Maharis stated that she is interested in re-introducing humanity in this approach. She feels it is very important to step back and look at the registry in this manner. Ms. Maharis stated that one of the best methods of prevention is a positive life for former sex offenders. Being on the registry can bring on some of the same characteristics that led the person into an abusive life in the past. She added that registration laws decrease public safety by making it more difficult for former offenders to re-intergrade into society ultimately increasing the likelihood of re-offense. Ms. Maharis stated that our nation needs to change the presumptions that have led to hysteria that there is a large amount of sex abuse by those previously convicted. This theory has been fueled by law and order and get tough on the crime policies in the past. Ms. Maharis stated that this has taken on the mentality of the Salem Witch Trials or the Japanese Internment Camps during World War II. Ms. Maharis stated these are as damaging as the war on drugs where other failed policies were applied to another group. Ms. Maharis stated many have benefited from an industrial complex that developed, just as present development we have with the sex offender registry industry. Instead of producing a sense of safety, it has fostered and perpetuated fear amongst an uneasy public, and has inhibited positive proactive discussion around the causes that can lead to abusive circumstances. The causes that have nothing to do with how far away someone lives from a school, or a bus stop, or whether they are permanently rendered piranhas by a modern scarlet letter. Ms. Maharis expressed her opinion that the registries promote hatred and retaliation against former offenders, their families, and their victims. Ms. Maharis feels it is counterproductive to enact such registries. It is imperative that legislative bodies effectively address the problem and rescind or seriously refine the registry laws that are harmful and not assisting in sex abuse prevention. Ms. Maharis feels it is time to take a smart approach, not a hysterical one. By eliminating the registry

the resources saved could be redirected in concerted effort to educate the public including media social networks and lawmakers regarding the nature of sexual offenses how to protect children and the vulnerable. Sexual abuse is foremost a public health program and can't be effectually solved through the criminal justice system. Ms. Maharis stated that CURE takes the position that sex offender registry is wasteful, punitive, and hateful and an incapable example of political pandering.

Ms. Maharis submitted an article by a psychiatrist entitled "Do Pedophiles Deserve Sympathy" that was presented by CNN following the Sandusky case. See, Attachment Eight (8).

Mr. Munro called for additional public comment, none was given. The meeting was adjourned by Keith Munro at 12:17 pm.

Minutes respectfully submitted by Jan Riherd.

#1 Meeting called to order at 10:03 am Friday, December 13, 2013.

Roll Call: Keith Munro, Tick Sagerbloom, Susan Roske, Donna Coleman, Curtis Kull (via telephone), Scott Shick, Betsy Neighbors, Todd Story, Lori Story,

#2 Public Comment:

LV – None

CC – None

#3 Approval of Minutes: Changes – Add Todd Story to last meeting attendance.

Motion to Approve w/ change: Donna Colman

Second: Scott Shick

Carried Unanimously

#4 (Copy Title)

Mr. Shick stated that since 2007 work has been done, and compliance has been achieved, to SORNA with respect to the Adam Walsh Act. The Supreme Court litigation regarding AB 579 has been resolved and the State is now subject to the full implications of AB579. In representing the Juvenile Justice Administrators, Mr. Shick requested some simple amendments to AB579 that would make the regulations better suited to Juveniles. These recommendations have been vetted with all jurisdictions and individuals involved with the Sex Offender Task Force. Mr. Shick presented the recommendations in written form to the committee and also read the recommendation listing to the committee. (See Attachment One (1) for Change Recommendations.)

Mr. Shick clarified the concept of “notification” as not being open to the public. Schools would be notified, victims at schools would be notified, and this information would stay within the framework of the school, the probation department, and the law enforcement agencies assigned to monitoring juveniles convicted of sex offenses in their particular jurisdictions.

Mr. Shick, along with the Juvenile Justice Administrators, trusts the Judges to make the appropriate decisions regarding each individual juvenile sex offender and their necessity to register publicly. As previously stated before this committee juvenile sex offenders respond well to treatment, and to continue the three year treatment guideline for juveniles which has been used for years and is successful .

Mr. Shick suggested committee review of other State’s registration requirements for juveniles. For example, Maryland has a concept where they are registering juveniles on the open public federal website for five years at a time, with consideration for continuance after the expiration of the five year time period. Mr. Schick stated that SORNA is in support of particular modifications with respect to juveniles.

In the 2011 legislative session AB326 was presented and in 2013 AB197 was presented. Mr. Shick felt that these two bills did not gain much ground because of the ongoing litigation regarding AB579 at that time. Now that litigation is concluded, he would like to come up with a bill that would take these recommendations into consideration.

Mr. Shick reiterated that we trust our Judges, work with the District Attorneys, and trust the Probation Departments to implement the requirements. If the juveniles violate the requirements, then they are

brought back into the Courtroom for further review and requirements. Blanketing all juveniles with an offense based registration requirements does not make sense.

Question by Keith Munro:

Mr. Munro asked that Mr. Shick stated for the record his background in dealing with juveniles.

Response by Mr. Shick:

Mr. Shick has a BA and Master's degree in Education and Psychology. Mr. Shick became a Chief Juvenile Probation Officer in Douglas County in 2002. He has been involved in juvenile justice for twenty-nine years. He has worked with at risk juveniles, worked with Head Start, and has always had a passion for working with juveniles. He has a strong physical education background which involved coaching and working with juveniles. He helped start the Right of Passage Program and worked on that program for many years. Mr. Shick has received training and worked with the Judges Association out of the University of Nevada. Mr. Shick has periodically been President of the Juvenile Justice Administrators over the last ten years. He has served on the Governor's Juvenile Justice Commission, and has served on the Supreme Court Commission on Juvenile Justice Reform. He has also been a liaison for many committees and commissions involving making decisions regarding juveniles.

Question by Keith Munro:

Mr. Munro asked that Mr. Shick to clarify and confirm that the proposed recommendations and changes in the community notification would better serve juveniles and the public as a whole.

Response by Mr. Shick:

AB579 calls for offenders of particular sex offenses to be on the public website. Many aspects of life are impacted by public notification. Some offenders need to be on the public website, however with juveniles, community notification surround offenses that occurred in the home, and it is not necessary for the public to be made aware of the offences, of adjudication, or of treatment. Community Notification labels juveniles and impacts them in the future. Both law enforcement and schools track where the juvenile is living and can investigate further occurrences, if any, and deal with that particular individual, including Public Website Notification if necessary. This method preserves the concept of juvenile justice that has worked for years.

Question by Keith Munro:

Mr. Munro stated that Mr. Shick used the term judicial discretion several times. In layman's terms his interpretation of judicial discretion is giving Judges more tools in dealing with juvenile offenders to better serve both the community and the juvenile offender. Mr. Munro asked for example of what tools the Judges would be given in dealing with juvenile offenders besides community notification.

Response by Mr. Shick:

Juvenile sex offenders would be required to receive a full state approved sex offender evaluation, including ongoing contact with the Court by the treatment specialist to report on the juvenile's progress. Juvenile offenders would be monitored on a risk level by the probation department as determined in the Court sentencing and adjudication portion of the juvenile's case. The Court would determine the type of monitoring including for example, an ankle monitor, house arrest, or placement in facility for juvenile treatment of sex offenders. These are the tools currently being used by the Judges enabling them to issue an Order protecting the community and benefit the juvenile based on the nature of the offense.

Question by Mr. Munro:

Mr. Munro inquired as to some of the other types of notification that could be beneficial other than Community Website Notification.

Response by Mr. Shick:

The juvenile's school would be notified, local and state law enforcement would be notified, and any persons with a need to know.

Question by Mr. Munro:

Mr. Munro asked for confirmation regarding the adjudication process in that Judges, Public Defenders and District Attorneys can try and make a determination for the juvenile based on the state approved sex offender evaluation.

Response by Mr. Shick:

Mr. Shick confirmed Mr. Munro's statement and also stated the inclusion the concerns of the victim in the matter may be taken into consideration.

Question by Mr. Munro:

As President of the Juvenile Justice Administrators, had Mr. Shick ever surveyed the approximate fifteen to twenty members of that group regarding the efficacy of these recommendations.

Response by Mr. Shick:

Mr. Shick reported that the Juvenile Justice Administrators have been approached with these recommendations and stand in support of these recommendations. If necessary, he could submit documentation to the committee for the record.

Statement by Mr. Munro:

Mr. Munro stated that this is an advisory committee which provides a report to the Legislature. It is this committee's obligation to gather as much information as possible, and by statute have legislative policy makers on this study committee. Therefore, in support of Mr. Shick's recommendation it would be beneficial to procure a formal or anonymous survey or some type of empirical data which would support notification for juvenile offenders to their school officials, local and state law enforcement, and any persons with a need to know and who would be in the scope of making a determination of persons who need to know. Additionally, what would be a good parameter to guide judicial discretion.

Response by Mr. Shick:

Mr. Shick stated there was a meeting of the Juvenile Justice Administrators in approximately one month and he would request that this recommendation survey be placed on the agenda, and present the findings to this committee.

Question by Mr. Munro:

As to the "nuts and bolts" of juvenile community notification, Mr. Munro asked what would be the default standard for a Judge. Would it be a clean slate would it be website notification, and where would the Judge start his consideration of the appropriate level of community notification.

Response by Mr. Shick:

Based on the charges, the nature of the offense, the hearing, the juvenile's background, the sex offender evaluation, and the specialist's report in the Courtroom, the Probation Department would come back with a recommendation regarding the risk factors of the juvenile before the Court.

Question by Mr. Munro:

Mr. Munro asked Mr. Shick if he was recommending a Pre-Adjudication Assessment and Report would be presented to the Court for the Judge to consider what the appropriate level of community notification should be on juveniles.

Response by Mr. Shick:

Mr. Shick confirmed that would be the recommendation.

Question by Mr. Munro:

Mr. Munro asked if Mr. Shick thought these recommendations would be an additional financial burden to the Juvenile Services on the local level and if this would require some type of fiscal note included in the legislative process.

Response by Mr. Shick:

Mr. Shick stated that the Sex Offender Task Force has a block of funds available for juvenile sex offender evaluations. Recommendations could be made by the legislature to increase that block of funds.

Question by Mr. Munro:

Mr. Munro questioned how many juvenile sex offenders on a state-wide basis would need evaluations yearly.

Response by Mr. Shick:

Mr. Shick stated solicitation of that information from the Juvenile Justice Administrators state-wide would need to be done and brought back to this committee.

Statement by Mr. Munro:

Mr. Munro stated that it would be beneficial to procure an approximate yearly number of juvenile sex offender needing evaluation, the cost of the evaluation, and if this expense can be subsumed in the existing budgets.

Response by Mr. Shick

Mr. Shick stated he would request that budget and cost subject also be placed on the agenda of the meeting of the Juvenile Justice Administrators, and present the findings to this committee.

Question by Mr. Munro:

Mr. Munro noted a line in the written recommendations regarding the District Attorney requesting a hearing for the juvenile, and would this be something the District Attorney and Juvenile Justice Administrators working through the District Attorney could petition the Court for a change.

Response by Mr. Shick:

Mr. Shick responded affirmatively and further stated at the time of adjudication the Juvenile Justice Administrators need to be working with the District Attorneys and Public Defenders, to make sure that the community is protected for the offender.

Question by Keith Munro:

Mr. Munro asked Mr. Shick's opinion that in any proposed legislation a juvenile would have a right to a particular type of community notification or what would the standard for a Court to change any particular prior adjudication as to community notification.

Response by Mr. Shick:

Mr. Shick stated that the District Attorneys, the Public Defenders and the Juvenile Justice directors and chiefs need to be involved in determining that standard and that information will need to be brought back to this committee. He also stated that pursuant to juvenile justice philosophy and juvenile law that each juvenile case is taken on an individual basis, Based on the circumstances, the physiological and behavioral disposition, and the response to the Court after the individual becomes involved in the Juvenile Justice System then that standard comes into play.

Statement by Keith Munro:

Mr. Munro stated that there could also be a flip side to this standard in that a juvenile, based on improvements, could petition the Court to have his stronger notification requirements reduced.

Response by Mr. Shick:

Again, Mr. Shick stated that the District Attorneys, the Public Defenders and the Juvenile Justice directors and chiefs need to be involved in determining that standard and that information will need to be brought back to this committee.

Question by Susan Roske:

Ms. Roske stated that she and Mr. Shick had worked together regarding information presented to the Legislature and changes to AB 579. Pursuant to these written recommendations it seems that Mr. Shick is wishing to expand the number of youths required to be subject to registration and community notification to include those in 62F 100. At present only those in 62F 200 are subject to registration and community notification.

Response by Scott Shick:

Mr. Shick stated that he did not have 62F 200 in front of him presently and was unable to answer her question.

Statement by Susan Roske:

Ms. Roske suggested tabling this discussion so that all could be adequately prepared to address this issue. Ms. Roske stated she had large concerns regarding the expansion of juveniles being subject to registration and community notification.

Statement of Keith Munro:

Mr. Munro stated he did not understand Mr. Shick's presentation to be an increase in the juvenile registration requirements.

Response by Scott Shick:

Mr. Shick stated he did not have 62F100 and 62F200 in front of him, however this is not a recommendation to expand anything. This is a recommendation to continue current juvenile sex offender guidelines from the old statute.

Question by Susan Roske:

Ms. Roske asked if Mr. Shick would be supportive of recommending that the Legislature revisit AB197, which would re-enact those laws that were repealed by AB579 and focus on a very narrow number of juveniles to be subject to registration and community notification.

Response by Scott Shick:

Mr. Shick stated that the Juvenile Justice Administrators supported some of those pieces. Parts of AB326 in 2011 and parts of AB 197 in 2013 were too far reaching in some cases. Community notification guidelines for juvenile sex offenders in the offenses they were directly related to were appropriate. That anything larger such as website notification should be at the discretion of the Court based on the offense and recommendation by the District Attorneys.

Question by Susan Roske:

Presently, now that the Logan decision is made, juveniles who are adjudicated for offences under 62F 200 must register. Ms. Roske asked for confirmation that Mr. Shick was recommending juveniles be subject to community notification as required prior to the enactment of AB 579.

Response by Scott Shick:

Mr. Shick stated he was confused by Ms. Roske's question.

Statement by Susan Roske:

Ms. Roske again recommended that this discussion be tabled for a future meeting.

Keith Munro asked if there were any other questions.

Question by Todd Story:

Mr. Story wanted to know how many juveniles were "on the list", and what would be the cost of complying with the Adam Walsh Act or SORNA cost the State in order to adopt the implementation of the recommendations being presented today.

Statement by Keith Munro:

Mr. Munro stated he was seeking that information as well. While not speaking for Mr. Shick, it was his understanding that Mr. Shick was going to procure that information and bring it back to the committee.

Question by Todd Story:

It was his understanding that many States had not adopted the SORNA requirements, and it is being proposed that Nevada adopt a more stringent requirements. He inquired if there a comparison from previous meetings that could be supplied to the committee as to what those States who have adopted those requirements, and those that have not, and are they more or less stringent than SORNA requirements?

Question by Mr. Munro:

Mr. Munro inquired if Mr. Story would like to bring this information back to this committee and present his findings. The Committee would be happy to include this on a future agenda and receive his presentation.

Statement by Todd Story:

Mr. Story agreed to make a presentation to this committee regarding that comparison subject.

Question by Tick Segerblom:

Senator Segerblom inquired as to the status of local jurisdictions implementation of Adam Walsh requirements.

Response by Scott Shick:

Mr. Shick stated the local jurisdictions are awaiting notification from the Attorney General's Office that will open the door for full compliance of AB579 and public website notification with respect to juveniles. It was his understanding that one Clark County Court was still reviewing the Supreme Court decision.

Question to Keith Munro by Tick Segerblom:

Has the Attorney General taken any position, or is it possible to defer this implementation until the 2015 Legislative session, and also how will we address past juvenile offenders prior to implementation.

Response by Keith Munro:

Mr. Munro stated there is still a case pending, so AB 579 has not been implemented yet, but implementation is drawing closer. Mr. Munro could not address the delay of implementation until 2015. Mr. Shick came to present potential recommendations of how to alleviate, if he Legislature determines it is necessary, the juvenile community notification piece.

Question to Scott Shick by Tick Segerblom:

Senator Segerblom inquired as to what would happen retroactively to the past sex offenders.

Response by Scott Shick:

Mr. Schick does not believe that the retroactive requirement will be required. That he believes there is one case still in Clark County pending prior to implementation, but is not sure of status.

Statement by Susan Roske:

Ms. Roske is not sure to what case Mr. Shick refers. In a previous meeting she mentioned to the committee that she may be pursuing a Writ of Certiorari with the US Supreme Court, however, the case was resolved in the Juvenile Court to her client's favor and no longer subject to registration and community notification. Ms. Roske stated there are no other active cases in the Nevada Supreme Court to appeal.

Question by Lori Story:

Pursuant to the Chairman's previous question regarding the positive impact on eliminating community notification of juveniles, Ms. Story questioned if the stigma and impact on the juvenile's family has been considered.

Response by Scott Shick:

Mr. Shick stated that based on the nature of the assessment, the child's ability to respond to juvenile sex offender treatment, the terms of the Court Order, and a full consideration for the victim, with favorable response to the Court Order and probation, that notification to law enforcement, school officials, and the need to know parties would be sufficient for public safety and avoid the impact of the stigma on the juvenile and their family.

Question by Lori Story:

Pursuant to the Chairman's previous question regarding petitioning for a review by the Court, Ms. Story questioned if this is similar to an adult probation revocation hearing. Also, would the due process afforded at a juvenile hearing be similar to a hearing under the District Attorney's request.

Response by Scott Shick:

Mr. Shick stated that at any time a juvenile probation officer can bring a juvenile back into the Courtroom based on a violation recommending further sanctions or accountability. Additionally, the Public Defender or counsel is always present, and consulted prior to, going into the Courtroom.

Question by Lori Story:

Ms. Story questioned who would have the burden of proof in a juvenile hearing.

Response by Scott Shick:

Mr. Shick stated the District Attorney and the Juvenile Probation Department both work together on the burden of proof.

Question by Lori Story:

Ms. Story questioned if the cost of the sex offender evaluation could be assessed against the offender.

Response by Scott Shick:

Mr. Shick stated that is a consideration in all Nevada jurisdictions based on their ability to pay.

Question by Lori Story:

Pursuant to the Chairman's previous question regarding the offender's petition to reduce requirements, how beneficial is it to the offender to remove public website notification after their name has been made public.

Response by Scott Shick:

Mr. Shick stated that the victim and their families have a right to know where the offender is located, therefore with the school and law enforcement notification he does not feel that removal from public website notification effects those requirements.

Question by Susan Roske:

In number one (1) of Mr. Shick's recommendations, those juveniles adjudicated for a sexual offense as defined in NRS 62F 200, under present law now in AB 579 they are subject to community notification as in NRS 179D as adults are subject to community registration. Ms. Roske asked for Mr. Shick to clarify and confirm he is recommending juveniles be subject as to notification in Chapter 62.

Response by Scott Shick:

Mr. Shick confirmed that he is recommending juveniles be subject as to notification in Chapter 62.

Question by Susan Roske:

In number two (2) of Mr. Shick's recommendations, it states that the District Attorney may request hearing with the juvenile court after adjudication for a sexual offense as defined in 62F100. Ms. Roske asked if that was a typo and he meant 62F200.

Response by Scott Shick:

Mr. Shick apologized and stated he was not an attorney and that is a terrible typo. Mr. Shick reiterated that AB579 requires public registration and notification. That the nature of number two in his recommendations that public registration and notification be brought to the Court by the District Attorney on an individual case by case basis.

Question by Susan Roske:

Ms. Roske stated that with the determination of the typographical error, his recommendation makes more sense. Ms. Roske asked for confirmation that juveniles adjudicated under 62F200 not be subject to adult registration and notification, but instead be subject to the past juvenile notification requirements. Then, if the District Attorney wants the juvenile to be subject to notification pursuant to NRS 179D, they have to request a hearing.

Response by Scott Shick:

Mr. Shick stated Ms. Roske was absolutely correct.

#5 Public Comment

Las Vegas:

Maggie McLetchie:

Ms. McLetchie is an attorney who has worked on sex offender issues. She stated that some of the ideas that Mr. Shick presented today would make sense when looking at the law, and how to change them in 2015. Ms. McLetchie stated that she agreed with Senator Segerblom given the confusion of what to do, and whether or not the State can afford to implement AB579, she believes it is a very good idea to stay enforcement. Ms. McLetchie is also concerned that it is her understanding that under current law AB 579 limits to juveniles under fourteen years of age. In looking at Mr. Shick's recommendations, it looks as though these requirements are expanding to all juveniles. It is also Ms. McLetchie understanding that there is a case pending in District Court which may be appealed to the Nevada Supreme Court as well as additional litigation coming from herself and her partner on behalf of other sex offenders, as well as other individuals who are going into Court to argue that this law violates the terms of their original convictions. In Ohio thousands of cases were filed, Nevada has not seen this because of injunctive relief before AB 579 was enforced. Ms. McLetchie believes some of that litigation can be avoided if the Legislature can be given time in 2015 to look at the questions and policy issues that are suggested by the Nevada Supreme Court Decision, and by others such as Mr. Shick's recommendations. Ms. McLetchie also pointed out that Mr. Shick's proposal does not address the retroactive application, it does not retroactively respect judicial determinations, because people who have been previously in the past adjudicated delinquent under the current terms of AB 579 would be required to register even if they were adjudicated delinquent as far back as 1956.

Carson City: None

Meeting Adjourned at 11:10am.

MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning
Sex Offender Registration

Date: May 1, 2014

Meeting Location: Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701
Conference Room # 3138

Video Teleconferenced: Legislative Counsel Bureau
555 E. Washington Avenue
Las Vegas, Nevada 89101
Conference Room # 4412

Committee Attendees:
Keith Munro, Brett Kandt, Michele Fiore, Susan Roske, Donna Coleman, Curtiss Kull, Scott Shick, Elizabeth Neighbors, Tod Story, Committee Legal Counsel Lori Story, and Secretary Janice Riherd.

Members of the Public Who Signed In As Present:
Regan Comis and Wesley Goetz.

Agenda Item #1:

Call to Order and Roll Call:

The meeting was called to order by Keith Munro, Assistant Attorney General and Committee Chair at 10:02 am. Mr. Munro asked for roll call, the above members of the committee were present.

Agenda Item #2:

Public Comment:

Mr. Munro called for public comment. The following members of the public came forward and spoke:

Public Comment in Carson City: None

Public Comment in Las Vegas: None

Agenda Item #3:

Approve December 13, 2013 Meeting Minutes:

The minutes of the December 13, 2013 meeting were reviewed; Scott Shick stated that the first word on the top of page seven (7) should be psychological instead of physiological. Secretary Janice Riherd confirmed that change would be made to the December 13, 2013 minutes. Brett Kandt made a motion to approve the minutes with the one above noted amendment, Scott Shick seconded the motion. All committee members present were in favor of the

motion. The motion was carried and the minutes of the December 13, 2013 meeting were approved.

Chairman Munro Combined Agenda Items #4 and #6:

Agenda item #6:

Report on Judicial Discretion to Place Juvenile Sex Offenders on the Website. Presented by Susan Roske, Clark County Public Defender's Office:

Ms. Roske stated that even though she supports repealing AB579 entirely, or in the alternative repealing those statutes regarding juveniles being subject to community notification, if this committee recommends a partial change to AB579, she suggests that the committee consider the approved changes from the SMART office. The SMART Office has said that the juvenile courts can have the discretion to keep juveniles off the public website. If this committee was to recommend an amendment to the statute that requires juveniles adjudicated of certain sex offenses to register and be subject to community notification, she strongly urges that change recommendation to be that the juvenile courts are allowed the discretion to keep juveniles off the public website.

Question by Keith Munro:

Mr. Munro asked what type of changes to NRS 62F.220 should be made to the existing statute.

Response by Ms. Roske:

Ms. Roske suggested revision is that a provision be added to allow the Juvenile Court Judge discretion to Order that information concerning juveniles not be on the public website.

Question by Keith Munro:

Pursuant to Ms. Roske's statement regarding a partial change to AB579, Mr. Munro stated that a simple approach would be for the Legislature to repeal AB579 in its entirety. However, something short of repealing AB579 in its entirety requires looking at the parts of Adam Walsh Act to see which portion(s) there may be consensus on for changing.

Mr. Munro stated that when the US Congress passed the Adam Walsh Act, it required community notification for juveniles adjudicated for certain offenses to be placed on the community website. Nevada responded and passed AB579 which included that requirement. Subsequent to the passage of AB579, the SMART Office pronounced this provision for juveniles would not be a requirement for compliance with the Adam Walsh Act.

Response by Roske:

Ms. Roske stated Mr. Munro's statement was accurate; however, AB579 included many offenses that were not required by the Adam Walsh Act. The Adam Walsh Act narrowly defined that juvenile delinquents who should be

subject to community notification and registration are those charged with violent sexual assault, or those rendering a victim unconscious in order to commit a sexual assault. Nevada's statute included lewdness with a minor charge as well as battery with intent to commit sexual assault, even sexual assaults not involving force or violence. Ms. Roske reiterated that AB 579 went beyond what was required by the Adam Walsh Act.

Question by Keith Munro:

Mr. Munro asked what offenses under federal Adam Walsh are required for automatic community notification of juvenile offenders.

Response by Ms. Roske:

Ms. Roske answered stating sexual assaults that involve force or violence, or rendering a victim unconscious in order to commit a sexual assault require automatic community notification of juvenile offenders.

Question by Mr. Munro:

Mr. Munro inquired if Ms. Roske's response was two (2) categories, or two (2) specific crimes.

Response by Ms. Roske:

Ms. Roske stated that sexual assault is one crime, how the sexual assaulted is effectuated, whether the sexual assault involves force or violence or the sexual assault is by rendering a victim unconscious in order to commit a sexual assault.

Question by Mr. Munro:

Mr. Munro asked what the statutory offenses in AB579 are for juveniles that require automatic community notification.

Response by Ms. Roske:

Ms. Roske stated that NRS 62F.200 defines sexual assault subject to community notification as lewdness with a minor, any sexual assault whether it involves force or violence, or battery with intent to commit sexual assault. Ms. Roske went on to say that studies show that for the most part, children behaving sexually against another child are children acting out on their peer group because they are confused about their sexuality. These are very different acts from an adult behaving sexually against a child. A person cannot be classified as pedophiles until they reach the age of eighteen (18).

Question by Mr. Munro:

Mr. Munro asked if the Adam Walsh federal requirements and the Nevada Statutes were overlapped, if Ms. Roske could in a future meeting define which Nevada statutory requirements incorporated by AB579 fall outside of the federal requirements.

Response by Ms. Roske:

Ms. Roske confirmed she would be willing to make that presentation.

Question by Mr. Kandt:

In order to clarify the record, Mr. Kandt asked Ms. Roske to define the difference between a child who is charged and adjudicated as an adult for certain crimes, and how they would be treated versus a child that is handled through the juvenile justice system.

Response by Ms. Roske:

Ms. Roske stated that the juvenile delinquency system is very different from the adult system. In the adult system an individual has the right to a trial by jury; a child does not have that right. Ms. Roske stated that because of the lifelong consequences, for any child that is subject to community notification and registration as an adult, she will be moving for jury trials. Other states, Ohio in particular, have been granting jury trials in these types of cases. A purpose of the juvenile justice system is to understand that children are different than adults and to forgive children of their transgressions. There is growing U.S. Supreme Court jurisprudence that recognizes children are different than adults. Their brains are not fully developed; they are immature and make impulsive decisions because of their age and their biology. The juvenile justice system recognizes that juveniles do not commit criminal acts, their acts are delinquent, yet this legislation is giving juvenile adult civil consequences, and alleged criminal consequences, for their behavior. In the past a child that was adjudicated delinquent of a sex offense would be placed on probation under the supervision of the juvenile court at minimum until the age of twenty-one (21). If the child is then transferred to the adult system and faced with criminal charges that occurred prior to their eighteenth (18th) birthday, then they have all the full rights of an adult in the criminal justice system.

Question by Mr. Kandt:

Mr. Kandt thought an important point to make is that if consideration to amend NRS 62F.220 to allow a judge to keep a minor off the public website, that this amendment would apply if the child is handled through the juvenile justice system. If the juvenile is charged as an adult, and they proceed through the criminal justice system, the proposed amendment would not apply.

Response by Ms. Roske:

Ms. Roske stated that Mr. Kandt's statement was completely correct.

Statement by Mr. Shick:

Mr. Shick stated that the concerns from the juvenile justice standpoint and his understanding of AB579, if a juvenile is convicted of a sexual assault, that the juveniles are going to be required to register as a sex offender for twenty-five (25) years. Taking juveniles off the public website is important, however not to mitigate any egregious offenses, registering as a sex offender for that length of

time is going to follow the juveniles and inhibit their ability to maintain their life. He believes it is important to look at lessening that reporting requirement based on performance and ongoing evaluations. Additionally, a logistical concern is that the juvenile probation departments will be required to maintain and keep these records open and be responsible for managing the cases for the duration of the extended reporting requirements.

Response by Ms. Roske:

Ms. Roske clarified that Sexual Assault and battery with Intent to Commit Sexual Assault is a Tier Three (3) offense, which is a lifetime registering requirement. Therefore, a child between the ages of fourteen (14) and seventeen (17) convicted of a sexual assault would be subject to lifetime registration and notification. This includes the requirement of personal appearance and reporting to the agency every ninety (90) days for registration purposes, and the two (2) day requirement for reporting after every move or school change. There is a provision for Tier Three (3) offenders to petition to be removed after twenty-five (25) years. Lewdness with a Minor is a Tier Two (2) offense, subject to a twenty-five year (25) registration requirement. There is currently not a provision for early removal regarding a Tier Two (2) offender.

Agenda item #4:

Report on Sex Offender Data for 2013 Per Judicial District.

1. The number of youth on probation for a sex offense.
2. Number of sex offender evaluations conducted.
3. The cost of the evaluations

Presented by Scott Shick, Nevada Association of Juvenile Justice

Administrators:

Sex Offender Evaluations were required both under previous laws as well as the current law prior to adjudication hearings. Mr. Shick presented the committee with a chart breaking down by county the number of youth on probation for a sex offense, the number of evaluations conducted and the total cost of evaluations. See, Attachment One (1). Mr. Shick reported that the chart did not break out the felony convictions, and he will do that for future reference. The cost of the evaluations is covered through the jurisdiction budget, the probation or county budget. The chart depicts a total of 436 youth on probation for a sex offense, some of those could be referrals, and some may have been pled down, however the number of evaluations conducted in 2013 was ninety (90). The average cost of each evaluation is approximately \$550.00, not including any follow-up costs. Specialized evaluations are necessary to evaluate juvenile sex offenders and their propensity to re-offend, and establish a recommendation to the Court on an individual case basis. The results of the sex offender evaluation are included in the Petition Report to the Court. During the course of routine follow-up, evaluations may be ordered to obtain a clear psychological picture. Typically these follow-up evaluations are not as costly as the initial evaluations.

Mr. Shick reported that monetary assistance from the Sex Offender Task Force, which is managed by the Juvenile Justice Programs Office, to assist jurisdictions who are not able to afford the evaluation costs would aid in compliance with statute and to be aware of the condition of sex offenders as they move through the legal process.

Question by Mr. Munro:

Mr. Munro inquired if there were protocols in effect regarding the evaluations being conducted at this time.

Response by Mr. Shick:

Mr. Shick stated that charges are filed, an initial hearing is conducted, investigation/ fact finding is conducted, and the hiring of a qualified sex offender specialist. Mr. Shick reported that the evaluations are geared toward specific adolescent behaviors, and additionally there are not many qualified specialists available in Nevada.

Question by Mr. Munro:

Mr. Munro inquired if the evaluators have established protocols that they utilize when evaluating juveniles to determine the extent of the risk to public safety.

Response by Mr. Shick:

Mr. Shick stated the evaluators do have tools and protocols which are followed to come to their conclusion regarding the offenders. However, he does not currently possess a list of those tools or protocols.

Question by Mr. Munro to Susan Roske:

Mr. Munro inquired if Ms. Roske knew the evaluators established protocols that they utilize when evaluating juveniles to determine the extent of the risk to public safety.

Response by Ms. Roske:

Ms. Roske stated that in Clark County only assessments by individuals who are certified by the American Treatment of Sex Offenders are utilized. The evaluators undergo qualification through this national organization to provide treatment for adolescent sex offenders. Ms. Roske stated that these evaluations were important in determining what type of treatment the sex offender required.

Question by Mr. Munro to Elizabeth Neighbors:

Mr. Munro inquired if Nevada had nationally accepted or certified risk assessment instrument(s) for determining how dangerous the juvenile sex offenders are to public safety, and additionally, if sufficient information could be given to a Judge to make the determination whether or not the juvenile should be subject to community website notification.

Response by Ms. Neighbors:

Ms. Neighbors stated she was most familiar with the Adult requirements, however, there are standardized and validated instruments for juveniles. Ms. Neighbors stated her presumption is that the evaluators would be utilizing those instruments. Typically these instruments would be used adjunct to other observations and information. In the adult sex offender evaluations there are specific requirements regarding a sex offender evaluation. Ms. Neighbors volunteered to research and bring back to the committee a summary of the standardized and validated risk assessment instruments being utilized for juveniles.

Question by Mr. Munro for Scott Shick:

Mr. Munro asked Mr. Shick's opinion if there are convicted juvenile sex offenders that should be subject to community website notification.

Response by Mr. Shick:

Mr. Shick confirmed that there are cases where convicted juvenile sex offenders that should be subject to community website notification. In his many years of experience, he has seen juveniles who should be on community website notification and twenty-five (25) year if not lifetime registration based on the habitual behavior of the juvenile and the nature of the offense being so egregious.

Question by Keith Munro:

Mr. Munro asked that if conversely there are some convicted juvenile sex offenders that should *not* be subject to community website notification.

Response by Mr. Shick:

Mr. Shick confirmed in his opinion, based on past statutes and how past juveniles favorably responded to treatment without repetitive offenses, that there are many juveniles who should not be on the community notification website, or be subject to registration requirements.

Question by Keith Munro:

Mr. Munro asked that if in the statutes in effect prior to AB579, was there any ability for community website notification for juvenile adjudicated for juvenile offenses.

Response by Mr. Shick:

Mr. Shick stated that prior to AB579 there were no options for community website notification, only local registration with law enforcement and school districts.

Statement by Susan Roske:

Ms. Roske wanted to clarify Mr. Shick's previous statement, that under the now repealed NRS 62F.250, the juvenile court would have a hearing when the child reached the age of twenty-one (21) to determine whether or not the juvenile

should be deemed an adult sex offender for the purposes of community website notification and registration. Additionally, Ms. Roske stated that children ages fourteen (14) and older who would be subject to community notification and registration under AB579, whose offenses are egregious, are also subject to be transferred to the adult division and treated as an adult.

Response by Mr. Shick:

Mr. Shick confirmed and stood corrected regarding 62F.250 and the ability of the juveniles to be transferred to the adult division.

Question by Keith Munro:

Mr. Munro asked the committee if determination should be made on an individual case by case basis which juveniles adjudicated under the juvenile system should be on community website notification, is there any person or process better suited to make those determination than the Judges.

Response by Scott Shick:

Mr. Shick stated that judicial discretion combined a full report regarding the offender, including input of District Attorneys and Public Defenders, makes the courtroom is the best place to make that decision.

Response by Brett Kandt:

Mr. Kandt stated it was important to remember that prior to the implementation of SORNA, Nevada had an offender based system for classifying offenders. The Judge, based on the evaluation process, made a determination. This discussion is considering returning to that process/system for the limited extent for this narrow scope of individuals.

Agenda item #5:

Report on SORNA, Jurisdictional Adoption Trends.

Presented by Tod Story, ACLU

Mr. Story reported on the compliance trends of States across the country. Mr. Story read his Report on Sex Offender Registration and Notification Act (SORNA) Jurisdictional Adoption Trends. See, Attachment Two (2). Mr. Story urged the committee to recommend appealing AB579.

Question by Scott Shick:

Mr. Shick inquired about Mr. Story's mention of the juvenile adjustments that were not brought before the House, and asked what those specific adjustments were.

Response by Tod Story:

Congressman Sensenbrenner's reauthorization language stated he wanted to give the States the flexibility to reduce the notification requirements for juveniles.

Question by Keith Munro:

Mr. Munro asked Mr. Story his opinion of why Congress passed the Adam Walsh Act.

Response by Tod Story:

It was Mr. Story's understanding is that while states had systems in place already, Congress was seeking to standardize systems across the country so that states could report that information to one another, and give them the ability to track sex offenders across state lines.

Question by Keith Munro:

Mr. Munro inquired when the Federal Adam Walsh Law was passed, and if agencies are enforcing this law regarding federal crimes. Additionally, if he was aware of any federal court that has overturned this federal law as it applies to federal agencies

Response by Tod Story:

Mr. Story confirmed that this law was being enforced on the federal level, that the original Adam Walsh Act was passed in 2006, and he was not aware of any federal court that has overturned this law.

Question by Keith Munro:

Mr. Munro inquired if there were any requirements more ripe than others in AB579 that Nevada should consider deviating from.

Response by Tod Story:

Mr. Story stated that first and foremost he would like to see the juvenile provisions repealed.

Question by Keith Munro:

Mr. Munro inquired about the four million dollar cost mentioned in Mr. Story's report for Nevada to retain compliance, and where did Mr. Story obtain this cost.

Response by Tod Story:

Mr. Story stated this figure came from National Council of State Legislatures, that this is their estimation on the cost for Nevada to obtain and maintain compliance.

Question by Keith Munro:

Mr. Munro stated that prior to the Adam Walsh Act there was a requirement for registration. AB579 is a more frequent and in person registration. Mr. Munro inquired if any contact had been made with local law enforcement to see if the more frequent and in person registration is a substantial increased cost for those agencies. Mr. Munro stated that the reason for this question is that when AB579 was presented he was not aware of any fiscal notes.

Response by Tod Story:

Mr. Story stated that the Department of Public Safety, Parole and Probation Records and Technology submitted a fiscal note on AB579 for the 2007-2008 fiscal years they had estimated \$165,000, for fiscal year 2008-2009 they had estimated \$161,000, and on future biennia \$323,000.

Question from Keith Munro:

Mr. Munro asked if that fiscal note made it to a hearing, or was that fiscal note withdrawn because there was federal grant money available for implementation.

Response by Tod Story:

Mr. Story stated that he did not know, the fiscal note information was attached to his paperwork.

Comment from Michele Fiore:

Ms. Fiore stated that to her it is quite disturbing as a Legislator to not fully be able to make our own state laws instead of constantly complying with federal laws. She believes that AB579 needs consideration, and that the State needs more control as a State vs. strictly complying with federal law just for funding.

Statement by Brett Kandt:

Mr. Kandt stated he wanted to clarify for the record that for the last two sessions Assemblyman Hambrick has submitted a bill to address the juvenile portion of Nevada's SORNA implementation. However, he does not believe it ever got a hearing.

Question by Susan Roske:

Ms. Roske inquired if it was true that because AB579 is retroactive back to 1956, that there is a huge number of individuals that were classified as Tier One (1) that would be re-classified as Tier Two (2) or Tier Three (3). This would be a burden on the registration office because of the more frequent registrations.

Response by Tod Story:

Mr. Story stated that this was correct.

Agenda item #7:

Letters to Senator Richard Segerblom and Assemblywoman Michele Fiore, dated February 19, 2014, regarding implementation of AB579.

Presented by Keith Munro, Assistant Attorney General

Mr. Munro stated that the Attorney General received two (2) letters, one from Richard Segerblom and one from Assemblywoman Michele Fiore, requesting that there be a stay regarding AB579. Subsequent to those letters, the Nevada Supreme Court issued a Stay. There are some procedural motions pending

before the Nevada Supreme Court. Mr. Munro asked Assemblywoman Fiore if she wished to speak to the committee.

Statement by Michele Fiore:

Ms. Fiore stated that a large concern was the retroactive portion of AB579. She stated that she did not feel AB579 was fitting or appropriate for the State of Nevada. She feels that Nevada has very intelligent Legislators and Judges that could bring forth in the next legislative session more comprehensive guidelines than what is contained in AB579.

Question by Donna Coleman:

It is her understanding that the Attorney General's Office does not have the power to not implement AB579 if there is no stay. Therefore, should the stay be removed, what discretion the AG's Office has as far as implementing the law.

Response by Keith Munro:

Mr. Munro stated that the Attorney General's Office were lawyers and not a part of the process in the registration or community notification of sex offenders. The Attorney General's Office provides advice.

Question by Donna Coleman:

Ms. Coleman asked the timing for the implementation of AB579, should the stay be removed. Specifically, if there is time to get before the legislature prior to implementation, and is the Attorney General's Office charged with implementing the law.

Response by Keith Munro:

Mr. Munro stated that the Attorney General's Office is not the implementers.

Question by Donna Coleman:

Ms. Coleman inquired what the next step is after the stay is lifted.

Response by Keith Munro:

Mr. Munro stated that he is not sure how long it will take for the Nevada Supreme Court to rule on this matter. The stay is upon an extraordinary writ, there is a procedural question that has been presented by the Nevada Supreme Court, however he does suspect that after the ruling there may be some discussion regarding the particulars of the law. Attorney Maggie McLetchie has submitted a comprehensive brief challenging Adam Walsh on multiple legal theories, and he stated he suspected there may be some consideration of those issues. Once this is decided, the State Agencies would need an opportunity to ramp up and start engaging in the process. He does not have a specific timeline.

Statement by Donna Coleman:

Ms. Coleman's concern is that the bell can't "un-rung". Once the juveniles are on the website, taking them off the website at a later date will not be of much help.

Statement by Brett Kandt:

Mr. Kandt stated that the entities that are responsible for carrying out and administering these laws are not standing idle. The Department of Public Safety and the local law enforcement agencies are preparing a game plan for implementation of AB579.

Statement by Scott Shick:

Mr. Shick stated that there have been stays prior the current stay issued by the Nevada Supreme Court. The local law enforcement has prepared and is ready to implement AB579. The law enforcement agencies are mandated to comply with state statutes.

Statement by Tod Story:

Mr. Story reiterated Ms. Coleman's concern regarding the implementation of AB579. If the stay is lifted and the law is implemented prior to this committee being able to make recommendations to the legislature, or advise the legislature, the bell can't be un-rung. Once the juveniles have been placed on the website, the damage has been done. Mr. Story urged the committee to send a message to the Legislature regarding this issue.

Statement by Susan Roske:

Ms. Roske stated that Legislators are currently putting bill drafts together. She feels that any recommendations the committee can or wants to make to the Legislature needs to be done now rather than wait until January.

Statement by Keith Munro:

Mr. Munro asked Ms. Roske if she had a recommendation regarding any changes to AB579 she would like to bring to the next meeting.

Statement by Michelle Fiore:

Ms. Fiore stated that as a Legislator she would place a hold on a bill and put in a draft and a place holder in a bill regarding amendments or possible repeal of AB579.

Agenda item #8:

Public Comment:

Mr. Munro called for public comment.

Public Comment in Carson City:

Wesley Goetz:

Mr. Goetz stated he was a registered sex offender, and that he received a letter in February stating he was going to become a Tier Three (3) sex offender. Mr. Goetz reported that he had made an inquiry with his parole officer and the sheriff's office regarding who was going to canvas his neighborhood within a ten block radius to inform his neighbors of his sex offender status. Mr. Goetz reported that his parole officer stated it was not his responsibility, and that the sheriff's office stated it was not their responsibility, although they might take on the job. A detective visited his home and informed Mr. Goetz that it was his responsibility to inform his neighbors of his sex offender status. Mr. Goetz stated that since he had not been in trouble for almost eighteen (18) years he did not feel it was correct to subject him to the Tier Three (3) requirements. It is his understanding that offenders back to 1956 will be re-tiered and subjected to the same notification requirements. He feels this is scare tactics.

Last July Mr. Goetz reported a parole officer came to his workplace and informed Mr. Goetz that the South Lake Tahoe Police Department had put out a news release on him. The parole officer informed Mr. Goetz that they had nothing to do with the news release and that they were attempting to stop the news release. It is Mr. Goetz's opinion that the South Lake Tahoe Police Lieutenant responsible for the news release was attempting to promote his abilities to protect the public from an out of state sex offender. Mr. Goetz stated he has a travel permit that allows him to travel to California for his employment. Mr. Goetz reported his efforts and difficulties in obtaining business licenses in the various counties around Lake Tahoe. It was in the process of obtaining business licenses that the South Lake Tahoe Police Lieutenant obtained information regarding Mr. Goetz and issued false reports regarding Mr. Goetz's activities. A retraction was made, however, this false information and his photograph had been broadcast in various newspapers and television reports in the area and the damage had been done. He feels this was also a scare tactic.

Additionally, Mr. Goetz feels that the Adam Walsh Act is a scare tactic. He will now have to register and have his photograph taken four (4) times per year instead of his current one (1) time per year requirement. He does not understand how the frequency of this registration is going to keep the public safer. Mr. Goetz feels that to keep the public safer, better sex offender treatment needs to be offered to prisoners including using competent licensed physiologists. Mr. Goetz stated that it was his understanding that currently there are approximately three hundred (300) Tier Three (3) registered sex offenders in Nevada. With the implementation of AB579, that number will increase to approximately three thousand (3000) registered sex offenders. Mr. Goetz feels that the resources used regarding increased responsibility and cost could be better utilized for treatment to reduce re-offenses. Mr. Goetz stated that he understands Parole Board Chairman Connie Bisbee has received a report stating that Nevada's Tier

rating system is obsolete. He feels that funds should be directed towards improvement of this rating system, including the offender's ability to reduce his tier level with work and good behavior.

Mr. Goetz stated that the Adam Walsh Act was adopted by Nevada in 2007, now seven years later and it still has not been implemented. Mr. Goetz feels that this is an indicator of the problems with this bad bill and a waste of tax payer's money. He feels that AB579 should be repealed and money funneled to the treatment of sex offenders.

Public Comment in Las Vegas: None

Additional Statement by Susan Roske:

Ms. Roske stated that she would like an action item placed on the next meeting agenda regarding the committee's recommendation to the change to NRS 62F.220 addressed earlier. Ms. Roske stated that the public comment from Mr. Goetz is a tragic example of the harms to the public from this bad legislation.

Mr. Munro called for additional public comment, none was given. The meeting was adjourned by Keith Munro at 11:19 am.

Minutes respectfully submitted by Jan Riherd.

MEETING MINUTES

Organization: Advisory Committee to Study Laws Concerning
Sex Offender Registration

Date: July 24, 2014

Meeting Location: Legislative Counsel Bureau
401 S. Carson Street
Carson City, Nevada 89701
Conference Room # 3138

Video Teleconferenced: Legislative Counsel Bureau
555 E. Washington Avenue
Las Vegas, Nevada 89101
Conference Room # 4412

Committee Attendees:
Keith Munro, Senator Tick Segerblom, Michele Fiore, Donna Coleman, Elizabeth
Neighbors, and Secretary Janice Riherd.

Members of the Public Who Signed In As Present:
Wesley Goetz.

Agenda Item #1:

Call to Order and Roll Call:

The meeting was called to order by Keith Munro, Assistant Attorney General and
Committee Chair at 10:02 am. Mr. Munro asked for roll call, the above members
of the committee were present.

Agenda Item #2:

Public Comment:

Mr. Munro called for public comment. The following members of the public came
forward and spoke:

Public Comment in Carson City: Wesley Goetz

Mr. Goetz stated in 2007 the federal government started encouraging the states
to adopt the Adam Walsh Act. That it is now seven years later and we "still
haven't really done anything about it". Pursuant to his public comments in
previous meetings, the Adam Walsh Act requires him to register as a sex
offender four (4) times per year v. his once per year requirement previous to
Nevada's adoption of the Adam Walsh Act. Additionally he is now ranked as a
tier level three (3) instead of a tier level two (2). He feels this is more of a scare
tactic than a benefit for public safety. Mr. Goetz stated that going back to the
1950's and changing sex offenders tier levels the number of tier level three (3)
offenders will increase from approximately 300 to 3000. This results in an
increased work load for law enforcement and an increased cost. There are other

states that are not enacting the Adam Walsh Act because of the cost involved. Mr. Goetz feels that the money would be better spent on treating sex offenders in prison. Mr. Goetz stated he was in prison for ten (10) years. The prisons have sex offender treatment being conducted by psychologists who are not licensed. Mr. Goetz feels that the psychologists should be licensed to enable more effective treatment to the offenders which would enable the offenders to be released from prison with a better state of mind, will have a better understanding of his offense, and be a better citizen. In Mr. Goetz's prison experience there were prisoners leading sex offender classes which was "the blind leading the blind". Mr. Goetz stated that he was put into solitary confinement for six months after learning the psychologist was not licensed. Mr. Goetz restated that he feels Nevada should focus on better treatment and programs in the prisons being conducted by professionals that are licensed. In addition, Mr. Goetz feels that the individuals giving polygraph exams should also be licensed psychologists. Mr. Goetz's first experience with a polygraph exam was psychological torture and torment. In his second experience with a polygraph exam, after the examiner found out Mr. Goetz had spoken to legislators, was totally different. Mr. Goetz would like this committee to view both of the DVD's, and see the difference in the way the two exams were conducted, and how the examiner "eased up" on Mr. Goetz during the second exam. The registered sex offenders are being treated like animals and monsters, not human beings. It is his understanding that his psychologist is attempting to conduct a study regarding the different categories of sex offenders, that not all sex offenders are the same.

Assemblywoman Fiore: Ms. Fiore requested copies of the DVD's from Mr. Goetz.

Chairman Munro proceeded to Agenda Item 4.

Public Comment in Las Vegas: None

Agenda item #4:

Deviations by other States to Juvenile Registration Requirements.

Presented by Donna Coleman:

Ms. Coleman spoke to the SMART office regarding other states that are in basic compliance with the Adam Walsh Act that had changed their juvenile provisions.

State of Colorado:

Regarding Juvenile Mandatory Lifetime Registration; they may petition after successful completion of sentence and probation, and no website posting.

State of Maryland:

Regarding Juvenile Mandatory Registration; exists until the end of the Juvenile Court jurisdiction, which may be extended in limited circumstances, and no website posting.

State of Tennessee:

Regarding Juvenile Mandatory Lifetime Registration; they may petition for removal at age twenty-five (25), and no website posting.

State of Wyoming:

Regarding Juvenile Mandatory Lifetime Registration; may petition for removal after ten (10) years, and no website posting.

Ms. Coleman stated that this is just a quick summary of some of the accepted deviations to the standard juvenile registration requirements. Each state was reviewed individually, making determinations considering the totality of their registration system. The SMART office informed Ms. Coleman that if Nevada is considering a bill similar to these states they would happy to look at the bill draft and make their recommendations.

Question by Keith Munro:

SORNA and Nevada's sex offender laws have two (2) main components, registration and community notification. Mr. Munro requested confirmation that the guidelines set forth by the federal SMART office with respect to community notification for juveniles have changed.

Response by Donna Coleman:

She did not know if the federal laws changed, but she did know that the individual states were changing their requirements and laws and making deviations to the federal requirements.

Response by Keith Munro:

Mr. Munro clarified that he meant deviations to the law. Mr. Munro stated that it was his understanding that the federal SMART office, with respect to community notification for juveniles, where it was originally mandatory that juveniles adjudicated of certain offences had to be on community notification website, there has been a change and states can decide individually what is the most effective form of community notification for juveniles.

Response by Donna Coleman:

Ms. Coleman confirmed that was also her understanding.

Question by Keith Munro:

Mr. Munro's understanding of Ms. Coleman's presentation, regarding registration, that the SMART office has allowed a deviation for compliance with federal law. Additionally, Mr. Munro acknowledged Ms. Coleman's long standing involvement with victim issues and asked if the SMART office made these changes because juveniles are still maturing and developing and there is an opportunity for their behavior to be corrected.

Response by Donna Coleman:

Ms. Coleman confirmed with absolute certainty that she believes this is correct.

Question by Keith Munro:

Mr. Munro asked for confirmation that for the most egregious juvenile adjudications there is the opportunity for the state to have them certified as an adult.

Response by Donna Coleman:

Ms. Coleman confirmed that juveniles can be certified as an adult.

Question by Keith Munro:

Regarding the Maryland laws, at age twenty-one (21), with respect to the registration, there is a hearing before the juvenile court

Agenda Item #3:

Approve May 1, 2014 Meeting Minutes:

Brett Kandt made a motion to approve the minutes, Scott Shick seconded the motion. All committee members present were in favor of the motion. The motion was carried and the minutes of the May 1, 2014 meeting were approved.

Mr. Munro called for additional public comment, none was given. The meeting was adjourned by Keith Munro at 11:19 am.

Minutes respectfully submitted by Jan Riherd.
