

Legislative History NRS 213.1243

Governing Lifetime Supervision of Sex Offenders

Summary

In 1995, the Legislature passed Senate Bill 192 (Chapter 256, *Statutes of Nevada*) requiring a sentence of lifetime supervision for individuals convicted of certain sex-related offenses. The primary sponsor of the bill, Senator Mark E. James, in his testimony stated that he introduced this bill to deal more aggressively with sex offenders, especially repeat offenders. Senator Ernest E. Adler, a cosponsor, cited a case of a person who was a known pedophile, who was working as a school bus driver. He stated that the idea of this legislation was to track repeat offenders to “make sure they don’t end up in those type of positions.”

1. 1995 SB 192

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1995/SB192,1995.pdf>

Sec. 4. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:\

1. When a defendant pleads or is found guilty of a sexual offense, the judge shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision to commence after any period of probation or any term of imprisonment and period of release on parole.

2. The special sentence of lifetime supervision must begin upon the release of a sex offender from incarceration.

3. A person sentenced to lifetime supervision may petition the court for release from lifetime supervision. The court shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has not committed a crime for 15 years after his last conviction or release from incarceration, whichever occurs later; and

(b) The person is not likely to pose a threat to the safety of others if released from supervision.

Sec. 7. \1. The board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for the limited purposes of the applicability of the provisions of subsection 9 of NRS 213.1095, NRS 213.1096, 213.10973 and subsection 2 of NRS 213.110.

3. A person who violates a condition imposed on him pursuant to the program of lifetime supervision is guilty of a felony.

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Lifetime Sentence

Senate Bill 192 requires a special sentence of lifetime supervision for individuals convicted of certain sex-related offenses. This lifetime supervision begins after the conclusion of any term of imprisonment or any period of probation or parole. Upon a petition, the court may release an individual from lifetime supervision if the person has not committed a crime for 15 years since being released from incarceration or last convicted, whichever occurs later, and is not likely to pose a threat to the safety of others.

Sexual Offenses

An offender may receive a sentence of lifetime supervision, and community notification may be required, if the offender is convicted of a sexual offense or other crime deemed sexually-motivated. An act is deemed sexually-motivated if one of the reasons the person committed the act was sexual gratification. The court must conduct a separate hearing into the issue of sexual motivation if the prosecuting attorney requests such a hearing prior to the trial and notifies the defendant. This hearing must be conducted before the court imposes its sentence or before a separate penalty hearing.

2. 1997 SB 359 Ratified technical changes to NRS and Statutes of Nevada

3. 1997 SB 133

<http://www.leg.state.nv.us/Division/Research/Library/LegHistory/LHs/1997/SB133,1997.pdf>

4. 2005 SB 341 No legislative history

Senate Committee on Judiciary, April 15, 2005, Page 11

<https://www.leg.state.nv.us/Session/73rd2005/Minutes/Senate/JUD/Final/4074.pdf>

Assembly Committee on Judiciary, May 18, 2005, Page 3

<https://www.leg.state.nv.us/Session/73rd2005/Minutes/Assembly/JUD/Final/4528.pdf>

5. 2007 SB 354 No legislative history

Senate Committee on Judiciary April 11, 2007 Page 14

<https://www.leg.state.nv.us/Session/74th2007/Minutes/Senate/JUD/Final/907.pdf>

Assembly Committee on Judiciary May 9, 2007 Page 11

<https://www.leg.state.nv.us/Session/74th2007/Minutes/Assembly/JUD/Final/1237.pdf>

6. 2007 SB 471 No legislative history

Senate Committee on Finance June 1, 2007 Page 15

<https://www.leg.state.nv.us/Session/74th2007/Minutes/Senate/FIN/Final/1463.pdf>

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Assembly Committee on Ways and Means June 4, 2007 Page 6

<https://www.leg.state.nv.us/Session/74th2007/Minutes/Assembly/WM/Final/1526.pdf>

7. 2009 AB 325 No legislative history

Assembly Committee on Corrections, Parole, and Probation March 31, 2009 Page 3

<https://www.leg.state.nv.us/Session/75th2009/Minutes/Assembly/CP/PP/Final/623.pdf>

Senate Committee on Judiciary May 13, 2009 Page 33

<https://www.leg.state.nv.us/Session/75th2009/Minutes/Senate/JUD/Final/1176.pdf>

REFERENCE

NRS 213.1243 Release of sex offender: Program of lifetime supervision; required conditions of lifetime supervision; penalties for violation of conditions; exception to conditions.

1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of [NRS 213.1076](#), subsection 9 of [NRS 213.1095](#), [NRS 213.1096](#) and subsection 2 of [NRS 213.110](#); and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to [NRS 213.215](#).

3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to [chapter 449](#) of NRS.

(c) The person keeps the parole and probation officer informed of his or her current address.

4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.

5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense listed in subsection 6 of [NRS 213.1255](#) against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her

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presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

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

6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 4 shall:

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

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

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

7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

10. The Board shall require as a condition of lifetime supervision that the sex offender not have contact or communicate with a victim of the sexual offense or a witness who testified against the sex offender or solicit another person to engage in such contact or communication on behalf of the sex offender, unless approved by the Chief or his or her designee and a written agreement is entered into and signed.

11. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.

12. For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to [NRS 176.0931](#) is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

(Added to NRS by [1995, 415](#); A [1997, 512, 1189](#); [2005, 2879](#); [2007, 1918, 3256](#); [2009, 1299](#))