



# Sex Offender Lifetime Supervision 2016

A Brief Overview

# A Synopsis of Sex Offender Lifetime Supervision

- ▣ In October of 1995 NRS 213.1243 took effect. The law specified that any person convicted of any of the 23 offenses listed under the statute would be subjected to a special sentence of lifetime supervision after any probation, parole or prison sentence has expired. Lifetime supervision was deemed a type of parole for the consideration of Interstate Compact.
  - The Parole Board was given authority under the statute to develop a program of lifetime supervision.
  - An offender can apply to be released from the requirement of lifetime supervision after 10 consecutive years of supervision has passed if they are in compliance with sex offender registration, have not been convicted of any new crimes listed in NRS 179D.0937(5)(a) and received a low risk assessment from a qualified professional.
  - Registration requirements may still apply after release from Lifetime Supervision

# Important Statutes

- ▣ N.R.S. 176A.410, sex offender conditions for probationers.
- ▣ N.R.S. 213.1245, sex offender conditions for parolees.
- ▣ N.R.S. 213.1243, sex offender conditions for Lifetime Supervision offenders. This is also used when booking a lifetime offender for Violation of Lifetime Supervision.

# Important Statutes

- ▣ All sex offenders, no matter if on probation, parole or lifetime supervision, must comply with the following:
  - N.R.S. 179D.490 sex offender registration requirements.
  - N.R.S. 179D.550 Prohibited Acts by Sex Offender.

# Contact Guidelines

- ▣ All Division contacts for sex offenders are identical for parole, probation and lifetime supervision
- ▣ All officers will conduct a minimum of 15 home contacts/field contacts/employment contacts and 15 collateral contacts a month.
- ▣ All officers will collect a monthly report from every out of custody offender each month.
  - This may be done in the office or in the field.

# Intakes

- ▣ All intakes are identical and conducted as described in the Division Directive for parole, probation and lifetime supervision offenders.
- ▣ During the intake process a Risk and Needs and VASOR must be completed.

# Dangerous Offender Notification System

## DONS

- ▣ Parolees and probationers may have a hold placed on them in the DONS system.
- ▣ Lifetime supervision offenders may NEVER have a hold placed on them.
  - Lifetime supervision offenders must have new criminal charges filed for any violation of supervision.

# Challenges Lifetime Supervision

- ▣ The following challenges are the most common:
  - When a lifetime supervision offender violates their conditions of supervision and are being supervised in a part of Nevada that is not the jurisdiction in which they were originally convicted of the underlying sex offense, the Division must transport the offender to the jail in the proper jurisdiction.
  - The Division has generated a BDR to address this issue and would like to invite discussion on our proposed changes from the Commission.



# Challenges Lifetime Supervision Con't

- When an offender on lifetime supervision is supervised in another state under Interstate Compact and violates supervision, the Division must apply for an arrest warrant. It is often difficult for the Division to obtain the warrant within 15 days as required by the Interstate Compact.
- Once the offender is arrested, the Division must proceed with the violations as a new criminal charge. This requires the Division to provide the prosecutor with a crime report and supporting documents. Probable cause for arrest is required instead of the lesser requirement of reasonable suspicion required for a probation or parole violation. The process to adjudicate a lifetime supervision offender is lengthy and usually results in the offender's release from custody pending the processing of charges. Offenders do not receive swift sanctions for their violations which may lead to more non-compliance.

# Challenges Lifetime Supervision Con't

- Offenders who have had multiple violations during their Lifetime Supervision are still eligible for release after ten years per NRS 176.0931. The Courts and Parole Board have no discretion to deny the petition as long as the requirements set forth in 176.0931 have been met.

# Proposed BDR

- ◎ **Section 1: NRS 213.1243 is hereby amended to read as follows:**
- ◎ 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, ***while being supervised outside the state of Nevada***, 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 [~~within~~] or outside the state. ***When the violation of the program of lifetime supervision occurs within the state of Nevada, the charge will be prosecuted in the county of jurisdiction where the arrest took place.***
- ◎ (Added to NRS by 1995, 415; A 1997, 512, 1189; 2005, 2879; 2007, 1918, 3256; 2009, 1299)

# Interstate Compact

All components of the Interstate Compact are the same for parole, probation and lifetime supervision with the exception of retaking and returning the offender to Nevada.

- ▣ When the Division returns a lifetime supervision offender from another state, the Division must obtain a nationwide “no bail” arrest warrant from a justice court.

# Electronic Pre Parole Investigation (EPPI)

- ▣ When a parolee has been granted release from Corrections, the Division conducts an investigation to ensure the residence is acceptable. If it is not approved, the parolee will not be released to parole.
- ▣ When lifetime supervision offenders expires their prison term and is released, they are not required to submit a release plan or to have it approved. Once they expire it becomes illegal to hold them in prison.
  - Often the offender may refuse to fill out a plan or even sign their lifetime supervision agreement prior to release.
  - This creates difficulties for the Division to verify offender compliance with the conditions of Lifetime Supervision.

## Sex Offender Violation Reports

- ▣ When an offender on parole or probation violates their conditions, the Division may make an arrest and a no bail hold may be placed on the offender.
- ▣ If an arrest is made, a violation report is then completed and forwarded to either the Parole Board or the Court and a hearing is set.

# Lifetime Supervision Sex Offender Violations

- ▣ When an offender on lifetime supervision violates their supervision, the Division must write a new probable cause arrest report, file the report with the DA's office and follow the same procedure as any other new charge. The offender is afforded bail or other form of release by the Justice Court Judge.

ASSEMBLY BILL NO. \_\_\_\_\_ – COMMITTEE ON CORRECTIONS, PAROLE, AND PROBATION

Referred to Committee on Corrections, Parole, and Probation

**SUMMARY**—Revises the location of prosecution for a new offense for Violation of Lifetime Supervision by Sex Offender, NRS 213.1243, to the jurisdiction where the offense is committed.

**FISCAL NOTE:** Effect on Local Government: No; *the defendants will still go through the same prosecutorial process so no added costs are foreseen.*

Effect on the State: Yes; *cost savings will occur for the Division of Parole and Probation as it will no longer be necessary to transport defendants from the arresting jurisdiction to the prosecuting jurisdiction.*

**EXPLANATION** – Matter in *bolded italics* is new, matter between brackets ~~omitted material~~ is material to be omitted.

**AN ACT relating to sex offenders; revising provisions pertaining to the location of a defendant's offense for a Violation of Lifetime Supervision by a Sex Offender and where the defendant will be prosecuted for that offense.**

**Legislative Counsel's Digest:**

Under existing law, a special sentence of lifetime supervision is added to certain sexual offenses and provides that any violation of that supervision can result in an arrest and the filing of new criminal charges for Violation of Lifetime Supervision under NRS 213.1243. The existing law requires that this new charge be prosecuted in the jurisdiction of the underlying conviction that necessitated the defendant be placed on lifetime supervision. This means that if a new arrest for Violation of Lifetime Supervision by a Sex Offender occurs in one county in NV but the defendant was convicted of his/her offense requiring lifetime supervision in another county in NV, the Division of Parole and Probation bears the responsibility of transporting the defendant to the county of original jurisdiction within 72 hours so the defendant can be arraigned.

**Section 1** of this bill amends section 12 of NRS 213.1243, which would require that the new criminal charge for Violation of Lifetime Supervision be filed and prosecuted in the jurisdiction where the offense occurs.