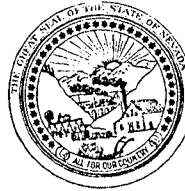


NEVADA SEXUAL DEVIATION RESEARCH

BULLETIN NO. 24



NEVADA LEGISLATIVE COUNSEL BUREAU

JANUARY 1955

CARSON CITY, NEVADA

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## FOREWORD

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The primary purpose of the Bureau is to assist citizens and officials in obtaining effective State government at a reasonable cost. The plan is to search out facts about government and to render unbiased interpretations of them. Its aim is to cooperate with public officials and to be helpful rather than critical. Your suggestions, comments, and criticisms will greatly aid in accomplishing the object for which we are all working--the promotion of the welfare of the State of Nevada.



## PREFACE

During the 1953 Session of the Nevada Legislature, the Assembly adopted Assembly Resolution No. 15, which memorialized the Legislative Counsel Bureau to study sex crimes and penalties therefor in the State of Nevada.

In March 1954, a study entitled "California Sexual Deviation Research" was completed under the direction of the Department of Mental Hygiene of the State of California, acting through the Medical Superintendent of the Langley Porter Clinic of San Francisco. This appears to be the most monumental study in this field ever compiled, and it appeared wasteful and inefficient to duplicate it. To make a similar study in Nevada would have required much money, and a large staff of technicians, psychiatrists, and specialists in the field. Obtainable statistics are very limited in Nevada, and, as subsequently indicated, many sex crimes are hidden under other charges and pleas.

It is strongly urged that this study be read in conjunction with the aforementioned "California Sexual Deviation Research," and that attention be given to the chapters containing Nevada laws, and the summaries of California laws which provide fair examples of the approach given sex crimes by other states.

The Legislative Counsel Bureau gratefully acknowledges the valuable assistance of Walter Rapaport, M. D., Director of the Department of Mental Hygiene, State of California, Karl M. Bowman, M. D., Medical Superintendent of the Langley Porter Clinic, San Francisco, California; many public officials at the state, county, and city level; and interested persons, all too numerous to mention here.

The principal discourse of this study was prepared by Mr. Lauren R. Groves and Mrs. Leola H. Wohlfeil, Research Assistants to the Legislative Counsel.

Copies of the study may be obtained free of charge from the Nevada Legislative Counsel Bureau, Carson City, Nevada.

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# NEVADA SEXUAL DEVIATION RESEARCH

## CHAPTER I

### THE PROBLEMS SURROUNDING SEX CRIMES

The problems surrounding sex offenses are as old as the first cave man. Our laws go back to Babylonian and Egyptian codes. Even in remote times, people recognized such behavior and were puzzled by it.

One of the questions the Pharisees proposed to Christ, in their efforts to confuse him concerned the problem of sexual deviation (Matthew 19:10-12). Leaders of Greek culture and learning practiced acts of sexual deviation, historians believe, and these acts were socially accepted. But this behavior, in the opinion of many modern scholars, contributed materially to the collapse of the nation as a political and social power.

In early modern times, unbelievably cruel punishment and torture was meted to those who were even suspected of sexual deviation. The emotional attitude of modern society toward crimes involving sexual deviation, has resulted in diversified codes, containing many laws that are not enforceable, and a variety of vindictive suggestions for the punishment of sex offenders, that it is apparent not much progress has been made toward solving the sex crime problem.

The popular belief that both juvenile and adult sex crimes are rapidly increasing are without factual foundation. This belief probably has arisen from the sensational publicity given a relatively small number of revolting sex crimes, not only in newspapers, but in national publications. Statistics show that arrests for sex offenses are few when compared with arrests for other crimes. The fact that reported sex crimes are not increasing in number, however, does not detract from the seriousness and importance of the sex crime problem.

It is difficult to compile accurate statistics as to the number of sex crimes committed, for the following reasons: (1) many sex offenses are hidden under other charges and pleas, (2) because of offensive publicity, many sex offenses are concealed, (3) in order to save their children embarrassment, the majority of parents will not file a complaint, and are satisfied to have the offender given a "floater" out of town, (4) it is not uncommon for women to charge rape to cover their own misconduct, or as an effort to "get even" with someone they may dislike for a number of reasons.

The following facts about sex offenders will show the difficulty involved in enacting legislation befitting the crime:

- (1) Five percent of convicted sex offenders are dangerous persons who exercise force, or injure their victim.
- (2) There are few "repeaters" among sex offenders, as compared with other types of criminals.
- (3) Of the sex offenders who are repeaters, most are indicted on other than sex crimes.
- (4) Progressions from minor to major sex crimes are exceptional.
- (5) Most sex deviates are undersexed, and a majority are passive, or non-aggressive.

The problem is very rarely one of drives too strong to control, as commonly recommended programs of castration, sterilization, and close correctional custody would imply. Castration destroys in males the capacity for the normal sex act, and does not interfere with the force of sex drives or urges. Castration may actually increase the degree of frustration in one who knows that normal acts are impossible

for him; frustration raises the possibility of an abnormal sex offense. A familiar error is the belief that sex deviation is an inherited characteristic. Some poorly informed persons have gone on record to advocate sterilization, to insure against reproduction by the deviate. The family histories of sex offenders do not reveal definite tendency for deviation or sex offenses.

The whipping post has been suggested for punishing sex offenders. Such a proposal is motivated less by concern for deterring them, than by concern for exacting vengeance, consciously or unconsciously felt. It is not valid for organized society to act toward any of its members out of a spirit of revenge and to attempt to give to such spirit, the force of law.

Sex crimes are loaded with so much emotional dynamite in the public mind, that an objective, scientific, cause-and-effect approach to the problem of control becomes extremely difficult. Yet all experience indicates that the best hope of controlling sex deviation lies along the path of scientific objectivity, rather than emotional orgies of hatred and revenge.

It is a common belief that sex offenses are falsely reported, more than any other type of crime. Many individuals who come to court because of sexual delinquency are not psychiatrically disturbed, but are charged with sex offenses, which, although considered criminal according to present laws, are not really different from usual practices. If the laws in some states were rigidly enforced, few men would escape punishment at some time in their lives. There is a wide discrepancy between the legal norm, and the social norm in America today.

Penalties for sex crimes should be framed only after careful evaluation of the social dangers of the conduct in question. In general, the most serious threats to society are created by violent sex behavior, including molestation of children. Accordingly, the greatest penalties should be reserved for these cases. The lesser danger of other forms of sexual misconduct should be recognized as requiring less severe penalties. Failure to distinguish adequately the greater from the less dangerous conduct provides opportunities for extortion and injustice.

Common sense must indicate that problems cannot be solved merely by passing a new law. Experience with these laws reveals the futility of ineffectual legislation. In general, the statutes appear to have served only the purpose of satisfying the people temporarily that "something is being done." Thus far, no problems have been resolved by new sex laws that have been enacted. On the contrary, some extremely dangerous precedents have been established.

When public attention is drawn to the sexual criminal, the vast majority of people think first of passing laws. Most frequently, the thought is that more severe penalties will curb the sex criminal. On the other hand, some laws have been passed with the assumption that if sexual criminals can be treated by psychiatrists, they can be readily cured. The consensus among psychiatrists and criminologists is that most laws have been passed with too little attention to the type of crime. In states that have special legislation dealing with the sexual deviate, the provisions of the laws include offenses that are minor, both from the standpoint of the danger to society, and the degree of unchangeable psychopathology.

All studies that have been made of the results of the operation of criminal and sexual psychopath laws seem to show that the laws themselves do not decrease the incidence of sex crime. Indeed, some authorities in the field believe that some of the laws passed have tended to increase, rather than decrease criminal sexual offenses. However, some laws do, without doubt, protect society from serious offenders, and this may justify the serious treatment of those whose offenses violate ethical feelings, rather than public safety.

In states where legislation creating a separate procedure for sexual offenders has been enacted, a frequent practice in courts of law is for the judge to avoid using the provisions of the statute by reducing the charges, or dismissing the case because he feels that the provisions of the sexual psychopathic law are too severe for first, or nonaggressive offenders, and not severe enough for those who commit the more dangerous or revolting crimes. When this happens, it is quite probable dangerous offenders escape



adjudication under the law and therefor society is not protected when it should be.

A famous jurist is alleged to have said that the reason for the large number of acquittals in sex offense trials lay in the fact that certain of the jurors had, at some time, committed the same offense, while the others did not believe that people did that sort of thing. While this is an obvious overstatement, it is certain that juries are prone to acquit in sex offense cases. There is an exception to the rule. Immediately after a particularly heinous sex murder, or during a concerted newspaper crusade against sex criminals, convictions on sex charges are relatively easier to obtain.

The real protection of society does not arise from words printed in statutes. It lies in the effectiveness of the application of the law from police work, through the courts, to the institutions, and beyond. A law is no better than the effectiveness of its application.

From a psychological point of view, sexual deviation involves some mental deficiency or emotional pathology that makes it difficult or impossible for the individual to control his sexual behavior in accordance with existing mores.

Sexually deviated persons are of two major types: those whose antisocial conduct is linked to some behavior pathology, and those whose unacceptable conduct is accidentally discovered, or grows out of cultural diversity or duplicity, in the absence of any significant personality disorder or mental defect.

Sex crimes of force and violence are comparatively rare, even among men prosecuted on rape charges. Only about one-half of all men prosecuted on original rape charges are convicted. The majority of these are penalized by probation supervision and suspended jail sentences. More than one-third of all men sentenced to prison for rape or assault to commit rape are rapists only in the statutory sense. Available evidence shows that many rape charges are without merit, and many are statutory, not involving force or violence.

It is evident that both legal thinking and public policy are departing from the historic concept of criminal justice which prescribed specific punishment for specific crimes, to protect society from dangerous offenders. Increasing attention is being centered on the offender, on his inner motivations and on his rehabilitation.

In line with this policy, convicted sex offenders often are committed to mental hospitals for care and treatment. For other sex offenders, increasing use is made of the indeterminate sentence, probation and parole supervision, and prison programs considered to be therapeutic. Provisions for voluntary self-commitment of persons with abnormal sexual tendencies are likewise in line with present policy. Irrationality commonly marks motivation among sex offenders. It has been found by psychiatric examination that many do not understand why they committed their offenses, and that they consider the very acts for which they have been imprisoned to be most reprehensible. Some disagreement exists between psychiatrists, lawyers, and others regarding the handling of minor offenders. Many of these offenders represent a major personality disorder to the psychiatrist, but may appear to a lawyer as a social nuisance.

It can be assumed, and reasonably so, that many of the dangerous sex criminals of tomorrow are to be found among sexually delinquent court wards of today. Despite some popular beliefs, there is no quick and certain way for the average person to recognize a sexually deviated individual short of observing him in an act of deviation, or hearing him confess his departures. There are many cases in which early symptoms of childhood emotional disturbances go unnoticed by family, school, and others close to the child. Attempts at deviation are ignored, but in many cases, a sex offense is finally committed which can no longer be ignored.

Neurotic problems serve as the background in the largest number of children who find themselves in sexual difficulties. Basically, the child's feeling about himself, and his attitude about sexual behavior stems from relationships that he has had with adults, especially his parents, and the attitude toward sex that has prevailed in his home. Maladaptions and deviations may ensue when these relationships and attitudes have been distorted or disturbed.

More research is needed in the field of child development, as is a study of what

the child should know and the way such information is imparted. Teachers and parents must also be told of modern approaches to sex education of children, and the importance of recognizing the early stages of any departure from normal. Such information may result in important reductions in the number of sex criminals in the future.

Research indicates that the causes of destructive forms of sexual deviation lie deep in the personality of the deviate and deep in the culture in which he is reared. The problem of prevention, therefor, merges into the broader field of mental hygiene, and requires effective programs of adult education that will aid parents and others to create emotionally healthy environments in which to rear children. Youths also need effective sex education and preparation for marriage and family living. Clinical experience and some research indicate that many ills of sexual deviation, like other human ills, originate in adverse childhood experiences.

A full-scale preventive program requires not only increased educational services, but also mental hygiene services for detecting and treating personality difficulties in their early stages, and research aimed at finding answers to the many unsolved problems of sex deviation.

The overwhelming opinion of experts in criminology is that certainty of punishment is a more effective crime deterrent than is severity. The demand for more severe punishments thus tends to defeat its own purpose, the deterrence of future crimes.

The hope of reducing the number of serious sex crimes lies in a proper psychiatric screening of the potential criminal at the stage where abnormal behavior first comes to light. Authorities believe that the latent sexual deviations can, in most cases, be alleviated with treatment, and thus be prevented from developing into more dangerous antisocial activity.

If the sex offender can be cured, he may be released with safety to society; if he is not treated, his condition will not improve; if he is given a sentence less than life in a penal institution, he may be released without being cured, to prey upon society again.

Psychiatric treatment of men in prison is relatively new, and in the experimental stage. Any well-founded conclusion on results must await study and evaluation of the effect on those treated. The realization is growing that imprisonment, without adequate treatment will not solve the problem of the dangerous sex offender. Research shows that the majority of authorities on sex problems believe that states need laws that will implement and encourage long-time preventive programs. Experts also believe that some potential deviates can be helped to avoid the commission of criminal offenses by psychiatric examination or other counseling, even though the potential deviate may not be cured of his drives.

In view of the difficulties encountered under some laws, would it not be better merely to sentence sex offenders to long criminal terms? It is possible that long sentences would be an effective deterrent to many sex criminals, but it is questionable that they would deter the mentally abnormal offender. Part of his abnormality is that he acts without regard for the consequences. Actually, the post-conviction type of law should keep the mentally abnormal offender confined as long as he appears dangerous. Another argument against merely jailing sexual deviates is that a prison term merely confines them for a time, and some may emerge more dangerous than before.

Society now stands between two worlds, the punitive which is slowly receding, and the rehabilitative which is slowly emerging. Confusion will be bound to arise and it must be accepted as a by-product of the evolution that is at work. If adequate rehabilitative services are not provided through the penal system, no amount of law-making will improve the situation, and the public will have been lulled into a sense of false security. The problem of the sex offender is not so much the inadequacies of our law, as it is the failure to provide rehabilitative services. A review shows wide national adoption of special sex offense legislation, together with considerable disappointment with its efficiency.

Adverse criticism of ordinary statutory sex law centers on the confusion in our 48 jurisdictions and their 48 codes, each with its own notion of crime and punishment.

The many inconsistencies and archaic features lower respect for the law, and hamper its enforcement. Critics deplore the fact that state legislatures tend to prohibit by law all sex behavior in any way objectionable, regardless of feasible enforcement.

Extraordinary stories show clearly the possible injustices, emotionalism, and personal disgrace that may involve an innocent person under sex laws and public hysteria. All sex laws should carefully differentiate dangerous offenders, and, when possible, potential killers from less serious, less dangerous offenders. These laws should specify what acts are considered dangerous to social welfare. Until a great deal more is known about the causes and treatment of these disorders, and until psychiatry has achieved generally accepted and demonstrable diagnostic techniques, it is premature to enact drastic and essentially punitive legislation.

It is simple to pass additional legislation, with increased penalties; yet such steps do not appear to have value. Properly considered legislation is an important part of the whole problem, to which medical science and psychiatry also have much to contribute.

Most charges of sex crimes are actually made under only a few laws. Most sex felony offenders are dealt with under the laws forbidding rape, and lewd and lascivious conduct with children. The majority of misdemeanor charges are brought under laws dealing with contributing to the delinquency of a minor, lewd vagrancy, and exhibitionism. All of these laws cover broad categories of offenses rather than specific acts.

In some 20 states, the traditional body of sex crime law has been supplemented by legislation providing specialized procedures for detaining and treating dangerous sex deviates. The basic idea of these types of law is that numerous sex offenders who are neither insane nor mentally deficient have personality disorders which cause them to ignore the consequences. It is felt that imprisonment and other traditional penalties will neither deter them or have any rehabilitative effect. As an alternate, or as an addition, provisions for treatment and prevention are authorized. How to define sexual psychopathy and how to provide methods, personnel, and facilities for effective treatment are basic difficulties confronting those who make and administer the sexual psychopath laws. The California sexual psychopathy law provides for identification and treatment of convicted offenders who display mental or emotional defects or pathological tendencies that lead them into dangerous sex acts. Those who are judged amenable to rehabilitation are sent to mental hospitals or other facilities. Others are handled according to the usual procedures of criminal law.

Where the traditional provisions of the criminal code govern the disposition of sex offenders, both major and minor offenders are likely to be sentenced to institutions which do not attempt to provide special treatment.

A Massachusetts Study Commission has noted that confinement with other criminals does more harm than good to the sex offender, to the other inmates of the institution, and ultimately to society at large. The evidence that the Commission has gathered concerning the sexual practices that are rampant in all such institutions makes a farce of the idea of rehabilitating the confined sex offenders. Imprisonment of a sex offender in a mass custody penal institution is like confining a malarial patient to a swamp.

In justifiable attempts to safeguard rights of both victim and offender, our present laws have many gaps and failures. The American Law Institute has recently begun the task of writing a model criminal code. Committees of experts from other fields, notably from psychiatry, have been invited to aid in the work. This is a concerted effort at improvement of statutory law that will doubtless make some headway toward uniform sex laws. Special commissions in a number of states have been exploring the problem of such legislation. In general, these studies indicate the need for further medical research before it will be possible to frame legislation reflecting full understanding of the problem. Other limitations upon more effective legislation include the acute shortage of competent psychiatrists and lack of treatment facilities which are necessary to make even a good law workable.

New legislation should be reviewed and studied after an operational period of two years. The points of strength and weakness in new legislation cannot be anticipated until the statutes have been tested in actual practice.

## CHAPTER II

### NEVADA LAWS INVOLVING SEX CRIMES

The following citations refer to sections in the Nevada Compiled Laws 1929, except Section 10124 which may be found in the Nevada Compiled Laws, Supplement 1931-1941, and Section 10143 which may be found in the Nevada Compiled Laws, Supplement 1943-1949, and Section 10141 which may be found in Chapter 318, Statutes of Nevada 1951.

Sec. 8551. **UNMARRIED FEMALE MAY SUE FOR SEDUCTION.** An unmarried female, under twenty years of age at the time of her seduction, may prosecute, as plaintiff, an action therefor, and may recover therein such damages, pecuniary or exemplary, as are assessed in her favor.

Sec. 8552. **IDEM.--WHEN PARENT OR GUARDIAN MAY SUE.** The father and mother jointly or the father or the mother, without preference to either, may prosecute as plaintiff for the seduction of the daughter, who, at the time of her seduction, is under the age of majority; and the guardian, for the seduction of the ward, who, at the time of her seduction, is under the age of majority, though the daughter or ward be not living with or in the service of the plaintiff at the time of the seduction, or afterwards, and there be no loss of service.

Sec. 9977. **PREVENTION OF PROCREATION.** Whenever any person shall be adjudged guilty of carnal abuse of a female person under the age of ten years, or of rape, or shall be adjudged to be a habitual criminal, the court may, in addition to such other punishment or confinement as may be imposed, direct an operation to be performed upon such person, for the prevention of procreation; provided, the operation so directed to be performed shall not consist of castration.

(This section, authorizing the performance, upon persons convicted of certain crimes, of an operation for the prevention of procreation, violates Article 1, section 6 of the Constitution of Nevada, prohibiting the infliction of cruel or unusual punishments, and an order made pursuant thereto, directing the performance of an operation known as vasectomy, is invalid, though such an operation may be performed in a painless manner.-- *Mickle v. Henrichs*, 262 Fed. 687).

Sec. 10095. **ASSAULT WITH INTENT TO COMMIT A CRIME.** An assault with intent to kill, commit rape, the infamous crime against nature, mayhem, robbery, or grand larceny, shall subject the offender to imprisonment in the state prison for a term not less than one year, nor more than fourteen years; provided, that if an assault with intent to commit rape be made, and if such crime be accompanied with acts of extreme cruelty and great bodily injury inflicted, the person guilty thereof shall be punished by imprisonment in the state prison for a term of not less than fourteen years, or he shall suffer death, if the jury by their verdict affix the death penalty. An assault with a deadly weapon, instrument, or other thing, with an intent to inflict upon the person of another a bodily injury, where no considerable provocation appears, or where the circumstances of the assault show an abandoned and malignant heart, shall subject the offender to imprisonment in the state prison not less than one year or exceeding two years, or to a fine not less than one thousand, nor exceeding five thousand dollars, or to both such fine and imprisonment.

Sec. 10124. **RAPE DEFINED--PENALTY--AGE OF CONSENT--HUSBAND'S CONVICTION.** Rape is the carnal knowledge of a female forcibly and against her will, and a person duly convicted thereof shall be punished by imprisonment in the state prison for a term of not less than five years and which may extend to life; provided, that if such crime be accompanied with acts of extreme violence and great bodily injury inflicted, the person guilty thereof shall be punished by imprisonment in the state prison for a term not less than twenty years, or he shall suffer death, if the jury by their verdict affix the death penalty. And any person of the age of sixteen years or upwards who shall have carnal knowledge of any female child under the age of eighteen years, either with or without her consent, shall be adjudged guilty of the crime of rape

and punished as before provided. A husband may not be convicted of the rape of his wife unless he is an accomplice or accessory to the rape of his wife by a third person.

Sec. 10720. INDICTMENT FOR THEFT AND OTHER FELONIES, WHEN MAY BE FOUND. An indictment for theft, robbery, burglary, forgery, arson or rape must be found within four years after the commission of the offense. An indictment for any other felony than murder, theft, robbery, burglary, forgery, arson or rape must be found within three years after the commission of the offense.

Sec. 10970. RAPE, PROOF NECESSARY. Proof of actual penetration, however slight, into the body is sufficient to sustain an indictment for rape, or for the crime against nature.

Sec. 10125. SEXUAL INTERCOURSE AND CARNAL KNOWLEDGE DEFINED. Any sexual penetration, however slight, is sufficient to complete sexual intercourse or carnal knowledge.

Sec. 10140. INCEST DEFINED. Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void, who shall intermarry with each other, or who shall commit fornication or adultery with each other, shall, on conviction, be punished by imprisonment in the state prison not less than one nor exceeding ten years.

Sec. 10141. CRIME AGAINST NATURE DEFINED. The infamous crime against nature, either by man or beast, shall subject the offender to be punished by imprisonment in the state prison for a term not less than one year, and which may extend to life.

Sec. 10142. LEWDNESS A GROSS MISDEMEANOR. Every person who shall openly and notoriously cohabit with another not the husband or wife of such person, and every person who shall be guilty of open or gross lewdness, or make any open and indecent exposure of his person, or of the person of another, and every male person who shall habitually resort in any house of prostitution, shall be guilty of a gross misdemeanor.

Sec. 10143. LEWD ACT MAY BE FELONY. Any person who shall willfully and lewdly commit any lews or lascivious act, other than acts constituting the crime of rape and the infamous crime against nature, upon or with the body, or any part or member thereof, of a child under the age of fourteen years, with the intent of arousing, appealing to, or gratifying the lust of passions or sexual desires of such person or of such child, shall be guilty of a felony. For the violation of any of the provisions of this section, the trial judge shall fix, specifically, a determinate sentence of the person convicted, which shall, in each case, consist of imprisonment in the state prison for not less than five years nor more than ten years.

Sec. 10197. MIXED MARRIAGES OF CAUCASIANS WITH CERTAIN RACES PROHIBITED. It shall be unlawful for any person of the Caucasian or white race to intermarry with any person of the Ethiopian or black race, Malay or brown race, or Mongolian or yellow race, within the State of Nevada.

Sec. 10198. PENALTY FOR CONTRACTING PARTIES. All persons marrying contrary to the provisions of the last preceding section shall be guilty of a gross misdemeanor.

Sec. 10199. PENALTY FOR MINISTER. Any officer, minister, priest, or other person authorized by the laws of the State of Nevada to perform ceremonies of marriage, who shall knowingly perform, or knowingly assist in the performance within the State of Nevada of any ceremony of marriage between any person of the Caucasian or white race and any person of any other race contrary to the provisions of section 249, shall be guilty of a gross misdemeanor.

Sec. 10200. FORNICATION BETWEEN CERTAIN RACES PROHIBITED.—PENALTY. If any white person shall live and cohabit with any black person, mulatto, Indian, or any person of the Malay or brown race or of the Mongolian or yellow race, in a state of fornication, such person so offending shall, on conviction thereof, be fined in any sum not exceeding five hundred dollars, and not less than one hundred dollars, or be imprisoned in the county jail not less than six months or more than one year, or both.

Sec. 10144. OBSCENE LITERATURE. Every person who—

1. Shall sell, lend, or give away, or have in his possession with intent to sell, lend, give away or show any obscene or indecent book, magazine, pamphlet, newspaper,

story paper, writing, picture, drawing, photograph, or any article or instrument of indecent or immoral character; or who shall design, copy, draw, photograph, print, utter, publish or otherwise prepare such a book, picture, drawing, paper or other article; or write or print any circular, advertisement or notice of any kind, or give oral information stating when, where, how or of whom such an indecent or obscene article or thing can be purchased or obtained; or,

2. Shall send, lend, give away or have in his possession with intent to sell, lend, give away or show any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, or largely made up of criminal news, police reports, accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, or,

3. Shall exhibit within the view of any minor any of the books, papers or other things hereinbefore enumerated; or,

4. Shall hire, use or employ, or having custody or control of his person shall permit any minor to sell, give away, or in any manner distribute any article hereinbefore mentioned; or,

5. Shall cause to be performed or exhibited, or engage in the performance or exhibition of any obscene, indecent or immoral show, act or performance;

Shall be guilty of a gross misdemeanor.

Sec. 10867. SAME FOR SELLING OR KEEPING OBSCENE BOOKS. An indictment or information for exhibiting, publishing, passing, selling, or offering to sell, or having in possession, with such intent, any lewd or obscene book, pamphlet, picture, print, card, paper, or writing, need not set forth any portion of the language used or figures shown upon such book, pamphlet, picture, print, card, paper or writing; but it is sufficient to state generally the fact of the lewdness or obscenity thereof.

Sec. 10302. VAGRANCY DEFINED--PENALTY. What constitutes vagrancy. Every--

1. Idle or dissolute person, without visible or known means of living, who has the physical ability to work, and who does not use due diligence to seek employment, nor labor when employment is offered him; or

2. Idle or dissolute person who roams about the country from place to place without any lawful business; or,

3. Healthy beggar, who solicits alms as a business; or,

4. Person who makes a practice of going from house to house begging food, money, or other articles, or seeks admission to such houses upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises; or,

5. Idle or dissolute person or associate of known thieves who wanders about the streets at late and unusual hours of the night, or prowls around dark alleys, by-ways, and other dark or unfrequented places at any hour of the night, without any legitimate business in so doing; or,

6. Idle or dissolute person who lodges in any barn, shed, shop, outhouse, or place other than that kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or,

7. Common drunkard who is in the habit of lying around the streets, alleys, sidewalks, saloons, barrooms or other public places in a state of intoxication; or,

8. Pimp, pander, procurer or procuress; or,

9. Lewd or dissolute male person who lives in and about houses of prostitution or solicits for any prostitute or house of prostitution; or,

10. Lewd and dissolute female person known as a "street walker," or common prostitute, who shall upon the public streets, or in or about any public place or assemblage, or in any saloon, barroom, clubroom, or any other public or general place of resort for men, or anywhere within the sight or hearing of ladies or children, conduct and behave herself in an immodest, drunken, indecent, profane, or obscene manner, either by actions, language, or improper exposure of her person; or,

11. Boy or male person under the age of twenty-one years, who habitually remains away from his home or place of residence after the hour of nine o'clock p.m. without some good and sufficient reason or cause for such absence from home after such hour, for his own amusement and pastime without any legitimate business for so doing, frequents and passes his time in any billiard-room or other place where any such games are played



or any saloon or other place where intoxicating liquor is sold or drunk; or, who at any hour of the night or day, for his own amusement and pastime, without any legitimate business for so doing, frequents or loafs around any low den, house, or other place of vice, infamy, or immorality, where known thieves and other vicious and infamous persons resort or congregate; or who at any hour of the night, either alone or otherwise, prowls about the streets or town, disturbing peace and quiet of the neighborhood by loud or unnecessary noise, or committing petty depredations, tricks, or pranks, upon the person or property of other persons, or by abusive, obscene, or insulting language, or by any manner of rowdyism whatsoever, disturbs or annoys the passer-by, any lawful assemblage of persons, or the neighborhood at large; or,

12. Person who keeps a place where lost or stolen property is concealed--

Is a vagrant, and shall be punished by imprisonment in the county jail for not more than three months, or by a fine of not more than three hundred dollars, or both.

Sec. 10537. DEFINING CRIME OF PANDERING.—FELONY. Any person who shall induce, persuade, encourage, inveigle or entice a female person to become a prostitute; or who by threats, violence, or by any device or scheme, shall cause, induce, persuade, encourage, take, place, harbor, inveigle or entice a female person to become an inmate of a house of prostitution, or assignation place, or any place where prostitution is practiced, encouraged, or allowed; or any person who by threats, violence, or by any device or scheme, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, or having legal charge, shall take, place, harbor, inveigle, entice, persuade, encourage or procure any female person to enter any place within this state in which prostitution is practiced, encouraged or allowed, for the purpose of prostitution, or any person who shall, by promises, threats, violence, or by any device or scheme, by fraud or artifice, by duress of person or goods, or abuse of any position of confidence or authority or having legal charge, take, place, harbor, inveigle, entice, persuade, encourage or procure any female person of previous chaste character to enter any place within this state in which prostitution is practiced, encouraged or allowed for the purpose of sexual intercourse, or who takes or detains a female with the intent to compel her by force, threats, menace or duress to marry him or to marry any other person, or who shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become a prostitute or to come into this state or leave this state for the purpose of prostitution, or, being her husband, for the purpose of sexual intercourse, shall be guilty of pandering, and upon conviction, shall be punished by imprisonment in the state prison for a term of not less than two nor more than twenty years.

Sec. 10538. PLACING WIFE IN BROTHEL, PANDERING.—FELONY. Any person who, by force, fraud, intimidation or threats, places or procures any other person or persons to place, his wife in a house of prostitution or lead a life of prostitution shall be guilty of pandering and upon conviction thereof shall be sent to the state prison for not less than two nor more than twenty years. Upon the trial of any offense mentioned in this section a wife shall be a competent witness for or against her husband, with or without his consent, and may be compelled so to testify.

Sec. 10539. LIVING OFF EARNINGS OF PROSTITUTE, FELONY. Any person who shall knowingly accept, receive, levy or appropriate any money or other valuable thing, without consideration, from the proceeds of any woman engaged in prostitution, shall be guilty of pandering, and on conviction thereof shall be punished by imprisonment for a period not less than two nor more than twenty years. Any such acceptance, receipt, levy or appropriation of such money or valuable thing, shall, upon any proceedings or trial for violation of this section, be presumptive evidence of lack of consideration.

Sec. 10540. DETAINING FEMALE IN BROTHEL BECAUSE OF DEBT, FELONY. Any person or persons who attempt to detain any female person in a disorderly house or house of prostitution because of any debt or debts she has contracted, is said to have contracted, while living in said house, shall be guilty of pandering and upon conviction thereof shall be sentenced to the state prison for not less than two nor more than twenty years.

Sec. 10541. FURNISHING TRANSPORTATION ILLICITLY, FELONY.—JURISDICTION. Any person who shall knowingly transport or cause to be transported, by any means of conveyance, into, through or across this state, or who shall aid or assist in obtaining such transportation for, any female person, with the intent and purpose to induce, entice, or compel such female person to become a prostitute, shall be deemed guilty of pandering, and upon conviction thereof shall be sentenced to the penitentiary for not less than two nor more than twenty years. Any person who may commit the crime in this section mentioned may be prosecuted, indicted, tried and convicted in any county or city or in or through which he shall so transport or attempt to transport any female person, as aforesaid.

Sec. 10542. OFFENSES TRIABLE, WHERE. It shall not be a defense to a prosecution for any of the acts prohibited in the foregoing section that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed, and the offender tried and punished in any county in which the prostitution was consummated, or any overt act in furtherance of the offense shall have been committed.

Sec. 10127. PLACING FEMALE IN HOUSE OF PROSTITUTION.—PENALTY. Every person who—

1. Shall place a female in the charge or custody of another person for immoral purposes, or in a house of prostitution, with intent that she shall live in a life of prostitution, or who shall compel any female to reside with him or with any other person for immoral purposes, or for the purposes of prostitution, or shall compel any such female to reside in a house of prostitution or to live a life of prostitution; or,

2. Shall ask or receive any compensation, gratuity or rewards, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons not her husband; or,

3. Shall give, offer, or promise any compensation, gratuity or reward, to procure any female for the purpose of placing her for immoral purposes in any house of prostitution, or elsewhere, against her will; or,

4. Being the husband of any woman, or the parent, guardian or other person having legal charge of the person of a female under the age of eighteen years, shall connive, consent to, or permit her being or remaining in any house of prostitution or leading a life of prostitution; or,

5. Shall live with or accept any earnings of a common prostitute, or entice or solicit any person to go to a house of prostitution for any immoral purposes, or to have sexual intercourse with a common prostitute; or,

6. Shall decoy, entice, procure or in any manner or way to induce any female to become a prostitute or to become an inmate of a house of ill-fame or prostitution, for purposes of prostitution, or for purposes of employment, or for any purpose whatever, when she does not know that the house is one of prostitution; or,

7. Shall decoy, entice, procure or in any manner or way to induce any person, under the age of twenty-one years, to go into or visit, upon any pretext or for any purpose whatever, any house of ill-fame or prostitution, or any room or place inhabited or frequented by any prostitute, or used for purposes of prostitution;

Shall be punished by imprisonment in the state prison for not more than five years or by fine of not more than two thousand dollars.

Sec. 10166. KEEPING DISORDERLY HOUSE. Any person in this state who shall keep any disorderly house, or any house of public resort, by which the peace, comfort, or decency of the immediate neighborhood, or of any family thereof, is habitually disturbed, or who shall keep any inn in a disorderly manner, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding six months, or by both.

Sec. 10193. HOUSES OF ILL-FAME, LOCATION OF. It shall be unlawful for any owner, or agent of any owner, or any other person to keep any house of ill-fame, or to let or rent to any person whomsoever, for any length of time whatever, to be kept or used as a house of ill-fame, or resort for the purposes of prostitution, any house, room or



or structure situated within four hundred yards of any school house or school room used by any public or common school in the State of Nevada, or within four hundred yards of any church edifice, building or structure erected for and used for devotional services or religious worship in this state.

**Sec. 10194. CERTAIN PROPERTY NOT TO BE RENTED FOR HURDY HOUSE, OR PROSTITUTION.** It shall be unlawful for any owner or agent of any owner or any other person to keep, let or rent for any length of time, or at all, any house fronting on the principal business street or thoroughfare of any of the towns of this state, for the purpose of prostitution or the purpose of keeping any dance house or house commonly called a hurdy house, or house where wine, beer or spirituous liquors are sold or served by females or female waiters or attendants, or where females are used or employed to attract or solicit custom, nor shall any entrance or exit way to any house referred to in this section be made or used from the principal business street or thoroughfare of any of the towns of this state.

**Sec. 10195. IDEM.--PENALTY.** Any person violating the provisions of the last two preceding sections shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than twenty-five dollars nor more than three hundred dollars, or be imprisoned in the county jail not less than five nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court.

Houses of prostitution may be abated as nuisances under certain provisions of the Civil Practice Act and the Law on Crimes and Punishments. The following sections should be noted:

**Sec. 9051. NUISANCE DEFINED.--ABATEMENT OF.--ACTIONS INSTITUTED, BY WHOM.** Anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance, and the subject of an action. Such action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by the nuisance; and by the judgment the nuisance may be enjoined or abated, as well as damages recovered.

**Sec. 10246. MAINTAINING OR PERMITTING NUISANCE.** Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall wilfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor.

**Sec. 10247. ABATEMENT OF NUISANCE.** Any court or magistrate before whom there may be pending any proceeding for a violation of the next preceding section, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the sheriff at the cost of the defendant.

Senate Bill No. 218 was passed by the 1949 Session of the Nevada Legislature, and was vetoed by Governor Vail Pittman. Senate Bill No. 218 was designed to prevent houses of prostitution from being declared "nuisances." Senate Bill No. 218 reads as follows:

Senate Bill No. 218—Senator Tallman

AN ACT to amend an act entitled "An act concerning crimes and punishments, and repealing certain acts relating thereto," approved March 17, 1911, and effective January 1, 1912.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section 1. Section 296 of the above-entitled act, being section 10244, 1929 N.C.L., 1941 Supp., is hereby amended to read as follows:

Section 296. A public nuisance is a crime against the order and economy of the state. Every place:

1. Wherein any gambling, book-making, or pool-selling is conducted without a license as provided by law, or wherein any swindling game or device, or bucket-shop, or any agency therefor shall be conducted, or any article, apparatus, or device useful therefor shall be kept; or

2. Wherein any fighting between animals or birds shall be conducted; or

3. Wherein any dog races shall be conducted; or

4. Wherein any intoxicating liquors are kept for unlawful use, sale, or distribution; or

5. Where vagrants resort; and

Every act unlawfully done and every omission to perform a duty, which act or omission:

1. Shall annoy, injure, or endanger the safety, health, comfort, or repose of any considerable number of persons; or

2. Shall offend public decency; or

3. Shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage, a lake, navigable river, bay, stream, canal, ditch, millrace, or basin, or a public park, square, street, alley, bridge, causeway, or highway; or

4. Shall in any way render a considerable number of persons insecure in life or the use of property;

Shall be a public nuisance. A house of prostitution regularly licensed under a county or city ordinance shall not be deemed to be a public nuisance.

Sec. 2. This act shall be effective from and after its passage and approval.

Governor Pittman's veto message reads as follows:

"State of Nevada, Executive Chamber, Carson City, Nevada March 22, 1949.

To the Honorable the Senate:

There is herewith returned to your honorable body, without my approval, Senate Bill No. 218, introduced by Senator Tallman and entitled "An Act to amend an act entitled 'An Act concerning crimes and punishments, and repealing certain acts relating thereto,' approved March 17, 1911, and effective January 1, 1912." This act is Sec. 10244, N.C.L., Supp. 1941-1944, as amended by Statutes of Nevada 1949 (Senate Bill 103).

In disapproving Senate Bill No. 218, I do so with full knowledge that morals and virtue cannot be legislated into people. A great many of our finest citizens sincerely believe that recognition and segregation is the most practical method of minimizing the age old problems raised by prostitution.

Legalization of prostitution, however, can only be regarded as a condonation of a condition that has been repugnant throughout successive generations as attested by statutory history and the common law upon which our great structure of jurisprudence is based.

Legalized prostitution has always found a close connection with white slavery and the drug traffic. It is a focal point for the gathering together of the most undesirable elements of our population. Such legalization would result in sensational and sordid publicity throughout the nation and the world to the inestimable damage of the good name of our state and its citizens.

I conceive it to be the duty of our people and their public officials to protect the name of Nevada - to keep it synonymous with personal liberty, but not with licentiousness. I believe we have a real obligation to the youth of this state and other states who attend our university to assure wholesome and desirable surroundings.

My decision has in no wise been influenced by the voluminous pressure messages, which have been directed to me by adherents and opponents of this

measure.

As Chief Executive of the State of Nevada, I feel obligated for the reasons set forth to veto this legislation.

Respectfully submitted,

Vail Pittman, Governor"

During the 1951 Session of the Nevada Legislature, Assembly Bill No. 347 was introduced with an identical text to that of Senate Bill No. 218 of the 1949 Session. This bill was given first reading and indefinitely postponed by the Nevada Assembly.

### CHAPTER III

#### CALIFORNIA LAWS INVOLVING SEX CRIMES

The following material is copied verbatim from the aforementioned study entitled "California Sexual Deviation Research," but, for the purposes of comparison with the previous chapter, it is deemed advisable to repeat the following material:

Most of the voluntary sex acts that are known among humans are forbidden by statutory law in the various states. This conclusion is well illustrated by the situation in California, where about the only exceptions are marital intercourse in strict privacy, solitary masturbation, and secretive fornication among adult men and women.

The great majority of illegal sex acts go undetected and unpunished since they are carried out in secret and on a mutual consent basis. Some laws such as forbidding adultery have become virtually dead letters. Others are unenforceable because of the private and personal nature of the forbidden acts. Yet in general the law remains very restrictive in an increasingly permissive society.

The following information shows the broad range of sexual acts proscribed by California law. The criminal statutes have been arranged in order of decreasing seriousness of the forbidden act, as evaluated strictly in terms of the severity of maximum penalties.

<u>Name of the act</u>	<u>Penalty</u>
<b>Felony Offenses</b>	
1. Forcible rape	3 yrs. to life
2. Rape under conditions of unlawful consent or unfair advantage (fear, insanity, mental deficiency, deceit, ignorance, etc.)	3 yrs. to life
3. Oral copulation by force	3 yrs. to life
4. Oral copulation involving child under 14 and any person more than 10 yrs. older	3 yrs. to life
5. Bestiality (animal contacts)	1 yr. to life
6. Sodomy (anal-genital contact)	1 yr. to life
7. Any lewd and lascivious act with a child under 14 yrs. (lewd fondling, mutual masturbation, indecent familiarities, etc.)	1 yr. to life
8. Annoying or molesting any child under 18 (Second or subsequent offense or first offense after a conviction under offense no. 7 above)	1 yr. to life
9. Indecent exposure--second or subsequent offense or first offense after a conviction under offense no. 7 above	1 yr. to life
10. Incest	1-50 yrs.
11. Statutory rape (intercourse with girl under 18 yrs.	1 yr. or less in county jail; to 50 yrs. in State Prison.
12. Assault to rape	1-20 yrs.
13. Assault to commit sodomy	1-20 yrs.
14. Oral copulation	1-15 yrs.
15. Abduction of female and forced marriage	2-14 yrs.
16. Pimping	1-10 yrs.
17. Pandering	1-10 yrs.
18. Abduction of female against her will for intercourse	1-15 yrs., \$1,000
19. Abduction of female under 18 for prostitution	6 mo. to 5 yrs., \$1,000

20. Solicitation of rape by force	6 mo. to 5 yrs., \$5,000
21. Seduction of female under 18 for prostitution or coitus	6 mo. to 5 yrs., \$1,000
22. Seduction of female of chaste character under promise to marry	6 mo. to 5 yrs., \$5,000
23. Conspiring with another to commit a sex misdemeanor	Up to 3 yrs., \$5,000
24. Conspiring with another to commit a sex felony	Penalized to the same degree as the felony itself
25. Attempt to commit a sex crime	In general the penalty is one-half that for the completed crime
Misdemeanor Offenses	Maximum Penalty
26. Contributing to the sexual delinquency of a minor	2 yrs., \$1,000 or 5 yrs. probation
27. Adultery	1 yr., \$1,000
28. Indecent exposure (first offense)	6 mo., \$500
29. Getting another to indecently expose self	6 mo., \$500
30. Indecent exhibitions, writing, singing	6 mo., \$500
31. Lewd vagrancy (catch-all)	6 mo., \$500
32. Annoying or molesting any child under 18 (first offense)	6 mo., \$500
33. Loitering about public place attended by school children	6 mo., \$500
34. Peeping Tom Activities	6 mo., \$500
35. Sex contact with corpse	6 mo., \$500
36. Prostituting	6 mo., \$500
37. Soliciting for prostitution	6 mo., \$500
38. Keeping house of prostitution	6 mo., \$500
39. Admitting or keeping any minor in house of prostitution	6 mo., \$500
40. Lewd acts in presence of children	6 mo., \$500
41. Mutual masturbation (adults)	6 mo., \$500
42. Disturbing the peace by offensive sex conduct	90 da., \$200
43. Employing or using minor in indecent exhibition	6 mo., \$250
44. Failure to register when convicted of certain sex crimes	6 mo., \$500
45. Public mating of certain animals	30 da., \$20

Besides these state felonies and misdemeanors regarding sex offenses, municipalities usually have additional ordinances that have the force of misdemeanors, with penalties stated in terms of monetary fines and confinement in the county or city jail. Fines range up to \$500 and jail sentences up to six months. The City of San Francisco, for example, includes the following as sex offenses in its Municipal Police Code outlawing various forms of disorderly conduct.

1. Using any lewd or obscene language within hearing of two or more persons.
2. Mechanically reproducing obscene language.
3. Exhibition of indecent pictures, figures, or objects.
4. Being in possession of any indecent pictures or objects or instruments for indecent purposes.
5. Being a witness at an indecent performance.
6. Presenting any dramatization with the subject or theme of sex degeneracy, or sex perversion.
7. Exhibiting, performing, or participating in lewd play or representation.

8. Displaying lewd and indecent advertising.
9. Displaying lewd or indecent posters.
10. Displaying representations of the sex organs.
11. Using obscene language in telephone conversations.
12. Engaging in lewd and indecent acts.
13. Being an inmate or visitor to a house of prostitution.
14. Soliciting prostitution.
15. Engaging in business in house of prostitution.
16. Using a building for prostitution.
17. Offering or agreeing to commit prostitution or to transport or direct others for prostitution.
18. Indecent motion pictures.
19. Lewd theatrical performances.

While the legal code proscribes a very wide range of forbidden sex acts, most charges of sex crimes are actually made under only a few laws. Most sex felony offenders are dealt with under the laws forbidding rape and lewd and lascivious conduct with children. The majority of misdemeanor charges are brought under the laws dealing with contributing to the delinquency of a minor, lewd vagrancy, and exhibitionism. All of these laws, very general in nature, cover broad categories of offenses rather than specific acts.

Traditionally, criminal law has been enacted and enforced on the basis of the time-honored principle of punishment. The punitive theory has continued to dominate all reas of criminal justice except at the juvenile court level. Recently there has been considerable shift of thinking in the direction of treatment and prevention as the means of effective dealing with adult crime problems.

In California and in some 20 other states the traditional body of sex crime law has been supplemented by legislation providing specialized procedures for detaining and treating dangerous sex deviates. The basic idea of these new types of law is that numerous sex offenders who are neither insane nor mentally deficient are characterized by personality disorders which predispose them, without regard to consequences, to the commission of sex acts considered dangerous to society. It is felt that imprisonment and other traditional legal penalties will neither deter them or have any rehabilitative effects on them. As an alternative or addition, provisions for treatment and prevention are authorized.

Two types of nonpunitive law aimed at the sex deviate have been enacted in California. These are the Sexual Psychopaths Act, and the Mentally Abnormal Sex Offenders Act. The first provides for postconviction treatment of the dangerous sex offender in a mental hospital. The second provides for civil commitment on a voluntary basis of potentially dangerous sex deviates and for mental hospital care and treatment, but is little used.

A brief resume of the California Sexual Psychopath Act may be found on page 86 of the aforementioned study entitled "California Sexual Deviation Research."

# APPENDIX I

The State Board of Pardons and Parole Commissioners, during the years 1945-1954, granted clemency as follows:

1945

NATURE OF OFFENSE	NUMBER OF CASES
Lewdness	5
Rape	6
Crime against nature	<u>1</u>
Total sex offenses	12
Total cases of clemency granted, all offenses	166
Percentage of sex offenses	7.2%

1946

Lewdness	7
Rape	8
Crime against nature	3
Sodomy	2
Contributing to delinquency of minor	<u>1</u>
Total sex offenses	21
Total cases granted clemency, all offenses	218
Percentage of sex offenses	9.6%

1947

Lewdness	6
Rape	7
Crime against nature	<u>1</u>
Total sex offenses	14
Total cases granted clemency, all offenses	265
Percentage of sex offenses	5.3%

1948

Lewdness	7
Rape	8
Total sex offenses	<u>15</u>
Total cases granted clemency, all offenses	246
Percentage of sex offenses	6.1%

1949

Lewdness	4
Rape	9
Crime against nature	2
Sodomy	2
Incest	<u>1</u>
Total sex offenses	18
Total cases granted clemency, all offenses	249
Percentage of sex offenses	7.2%

1950

Lewdness	5
Rape	6
Crime against nature	<u>1</u>
Total sex offenses	12
Total cases granted clemency, all offenses	294
Percentage of sex offenses	4.1%

1951

Lewdness	<u>2</u>
Total sex offenses	2
Total cases granted clemency, all offenses	148
Percentage of sex offenses	1.4%

	1952	
Lewdness		4
Rape		8
Crime against nature		3
Incest		<u>1</u>
Total sex offenses		16
Total cases granted clemency, all offenses		225
Percentage of sex offenses		7.1%
	1953	
Lewdness		1
Rape		<u>2</u>
Total sex offenses		3
Total cases granted clemency		261
Percentage of sex offenses		1.1%
	1954	
Lewdness		1
Rape		<u>9</u>
Total sex offenses		10
Total cases granted clemency, all offenses		177
Percentage of sex offenses		5.6%

NOTE: In 1953, 27 sex offenders applied for parole, and 3 were granted; in 1954, 36 sex offenders applied for parole, and 10 were granted.



# APPENDIX II

## PROPORTION OF PRISONERS IN THE NEVADA STATE PRISON CONVICTED OF SEX CRIME

APRIL 30, 1954

<u>Crime</u>	<u>Number</u>	<u>Percentage</u>
Rape	9	2.5%
Statutory Rape	3	.9%
Assault to Commit Rape	10	2.9%
Incest	1	.4%
Lewdness with Children	8	2.2%
Lewd and Lascivious Conduct	3	.9%
Infamous Crime against Nature	<u>5</u>	<u>1.4%</u>
TOTAL SEX CRIMES	39	11.2%
TOTAL ALL OTHER CRIMINALS	<u>310</u>	<u>88.8%</u>
TOTAL NUMBER OF INMATES	349	100 %

# APPENDIX III

## OFFICE OF THE SHERIFF

### COUNTY OF CLARK

### LAS VEGAS, NEVADA

June 7, 1954

State of Nevada  
Legislative Counsel Bureau  
Carson City, Nevada

## ARRESTS

### Sex Offenses Cases, 1951, 1952, 1953, 1954

<u>DATE</u>	<u>CHARGE</u>	<u>DISPOSITION</u>
2-7-51	Child molesting	Released-no charge
4-12-51	Att. rape/W.F.O.J.	Released Calif. officers
4-16-51	Statutory rape	Sentenced 5 yrs., suspended 2 yrs. probation
4-16-51	Statutory rape	Case dismissed
4-16-51	Statutory rape	Case dismissed
4-18-51	Statutory rape	Case dismissed
4-18-51	Statutory rape	Case dismissed
4-18-51	Statutory rape	Case dismissed
4-18-51	Statutory rape	Case dismissed
4-18-51	Statutory rape	Case dismissed
5-1-51	Inv. rape/C.D.M.	Case dismissed
6-25-51	Statutory rape	Bound over to district court.
6-25-51	Statutory rape	Bound over to district court.
6-28-51	Lewd-indecent exposure	Case dismissed
8-7-51	Lewd	Released-Nellis A.F.B.
8-7-51	Lewd	6 months county jail
9-19-51	Lewd	9 months county jail
9-20-51	Lewd	Case dismissed
9-20-51	Child molesting	60 days county jail
10-16-51	Child molesting	30 days county jail
11-29-51	Inv. lewd	Case dismissed
1-18-52	Lewd	Case dismissed
1-27-52	Attempted rape	Released juvenile home
1-27-52	Attempted rape	Released juvenile home
2-26-52	Lewd	Released to P.D.
5-3-52	Indecent exposure	Case dismissed
5-6-52	Statutory rape	Case dismissed
5-25-52	Lewd & Indecent Exposure	6 months county jail
5-29-52	Lewd	4 months county jail
6-30-52	Rape	1-14 yrs. Nev. State Prison
7-8-52	Statutory rape	5-20 yrs. Nev. State Prison
7-10-52	Indecent exposure	10 days county jail
8-5-52	Child molesting	Bound over to district court
8-12-52	Susp. att. rape	Case dismissed

<u>DATE</u>	<u>CHARGE</u>	<u>DISPOSITION</u>
8-16-52	Lewd	\$15 fine/leave town
9-13-52	Lewd	Case dismissed
9-27-52	Inv. Rape	Case dismissed
11-3-52	Rape	1-14 yrs. Nevada State Prison
11-24-52	Inv. att. rape	Case dismissed
2-20-53	Crime against nature	1-2 yrs., Nevada State Prison
3-28-53	Ind. exposure	\$25 fine
4-4-53	Lewd	1-Life, Nevada State Prison
5-18-53	Inv. rape	Case dismissed
5-21-53	Child molesting	\$300 fine
5-25-53	Inv. rape	Case dismissed
5-25-53	Ind. exposure	Case dismissed
6-2-53	Statutory rape	Case dismissed
6-8-53	Rape	Case dismissed
7-27-53	Lewd	6 mos. county jail
9-6-53	Inv. rape	6 mos. county jail
10-3-53	Statutory rape	5-life, Nevada State Prison
10-14-53	Lewd	\$150 fine
10-19-53	Rape	Case dismissed
10-31-53	Inv. rape	Case dismissed
11-17-53	Lewd	Bound over district court
12-11-53	Inv. rape	Bound over district court
12-31-53	Inv. rape	Pending
1-16-53	Inv. rape	Bail-pending
1-16-54	Inv. child molesting	Case dismissed
2-11-54	Rape	5 yr-life, Nevada State Prison
4-19-54	Rape	5 yrs. Nevada State Prison
5-7-54	Rape	Bond-pending

APPENDIX IV

OFFICE OF THE SHERIFF

COUNTY OF CLARK

LAS VEGAS, NEVADA

June 7, 1954

State of Nevada  
Legislative Counsel Bureau  
Carson City, Nevada

FIRST REPORTS

(No Arrest)

Sex Offenses, 1951, 1953, 1953, 1954, and to date

<u>YEAR</u>	<u>RAPE</u>	<u>STATUTORY RAPE</u>	<u>LEWD/CHILD MOLESTING</u>
1951	10	2	13
1952	13	0	18
1953	9	2	14
1954-to date	<u>5</u>	<u>1</u>	<u>2</u>
	31	5	47

APPENDIX V  
OFFICE OF THE SHERIFF  
COUNTY OF WASHOE  
RENO, NEVADA

May 14, 1954

State of Nevada  
Legislative Counsel Bureau  
Carson City, Nevada

ARRESTS

Sex Offenses Cases, 1952, 1953

<u>DATE</u>	<u>CHARGE</u>	<u>DISPOSITION</u>
5/23/52	Attempted rape	No arrest
5/27/52	Rape	No arrest
7/28/52	Lewdness	Arrested
8/15/52	Attempted rape	No arrest
8/22/52	Molesting children	No arrest
9/18/52	Molesting children	No arrest
9/29/52	Rape	Arrested
9/20/52	Invest. of rape	No arrest
2/21/53	Rape	No arrest
2/27/53	Molesting children	Arrested
9/29/53	Attempted rape	No arrest
10/22/53	Rape	No arrest

It will be noted in comparing the above record, that violations in 1953 were considerably reduced over those in 1952. We are proud to attribute this fact to a much closer supervision over the children in Washoe County, especially while on school grounds and at places of entertainment.

## APPENDIX VI

(From the Nevada State Journal, October 20, 1953)

### SEX OFFENDER REGISTRY URGED BY POLICE CHIEF

#### Increase In Molestations Laid To Loopholes in State Law

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Need for some sort of registration to control a steady influx of sex criminals into Nevada was stated yesterday by Chief of Police L. R. Greeson.

"Reported cases of molestations have increased noticeably in the last year and a half," Chief Greeson said. "A large number of persons arrested for crimes of this kind have been dodging over here from California. They don't like the registration laws there."

#### Registration Not Required

Difficulty in this area is detecting the presence of persons who have records of sex crimes, the chief continued. Nevada has no requirements for such registration as does California. Therefore it is difficult for Nevada authorities to know of the presence of such persons until an incident has occurred involving them.

"We know the ones who have been convicted of sex crimes in this state," the chief said. "But we don't have a line on sex criminals whose convictions have occurred in other states."

The only chance the local force has in recognizing persons who have sex crime records is when the persons are arrested for other infractions of the law. A routine check is made on all arrested subjects in Reno, and information on any previous criminal records is obtained through California's central identification bureau or through the federal identification headquarters in Washington, D. C. Such checking usually takes several days to complete. "The important thing is recognizing persons convicted of sex offenses here before they can commit crimes here," the chief said.

#### Dangerous Trend Cited

Chief Greeson noted that in California it has been required for some years that persons convicted of sex offenses be registered with a central bureau. Offenses requiring registration range from rape to contributing to the delinquency of minors, and include such offenses as lewdness with minors, indecent exposure, molestation, perversion and loitering around children.

"The increase here in even minor aspects of sex crimes is a dangerous indication of what is happening," Chief Greeson said. "It is no doubt happening in other places in Nevada, and only legislation on a statewide basis will help clear it up."