

Amendment No. 589

Assembly Amendment to Senate Bill No. 309

(BDR 15-498)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



SENATE BILL NO. 309—SENATORS CANNIZZARO, LANGE, SPEARMAN; DALY, DONATE, DONDERO LOOP, FLORES, D. HARRIS, NEAL, NGUYEN, OHRENSCHALL, PAZINA AND SCHEIBLE

MARCH 20, 2023

Referred to Committee on Judiciary

SUMMARY—Makes various changes relating to health care. (BDR 15-498)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to crimes; establishing the crime of fertility fraud; creating a cause of action for a person who has suffered injury as a result of fertility fraud; providing that certain acts that constitute fertility fraud are subject to various statutory provisions relating to sex offenders; prohibiting a health care facility from taking certain actions relating to assisted reproduction; authorizing the imposition of civil penalties for certain violations committed by a health care facility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Section 5 of this bill provides that a provider of health care who, in rendering services for assisted reproduction, knowingly implants his or her own human reproductive material in a patient without the express consent of the patient is guilty of fertility fraud. **Section 5** also provides that a provider of health care who, in rendering services for assisted reproduction, knowingly uses or provides a patient with human reproductive material other than the human reproductive material the patient expressly consented to the use or receipt of is guilty of fertility fraud. **Section 5** makes the crime of fertility fraud a category B felony, punishable by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Section 6 of this bill: (1) prohibits a person from conveying to a patient false information or information the person reasonably should have known was false relating to assisted reproduction; and (2) provides that a person who violates such a prohibition is guilty of a category C felony. **Sections 5 and 6** also require the Attorney General to provide certain notice to each professional licensing board that has issued a license, certificate or registration to a person who violates **section 5 or 6**. **Sections 3 and 4** of this bill define certain terms for the purposes of **sections 5 and 6**.

Section 8 of this bill authorizes a person who has suffered an injury as a result of a violation of **section 5** to bring a civil action to recover damages. **Section 7** of this bill requires the person to commence such an action within 3 years after the **later of the date** on which the person discovers : **(1) the facts constituting fertility fraud** ~~;~~ **or (2) any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of section 5.**

Section 20 of this bill prohibits a health care facility from providing a patient with human reproductive material for assisted reproduction except in accordance with any written

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25 agreement entered into between: (1) the health care facility and the patient; and (2) the health
 26 care facility and the donor. **Section 20** also: (1) authorizes the Attorney General to collect a
 27 civil penalty of not more than \$10,000 for each violation of this prohibition; and (2) requires
 28 the Attorney General to notify certain entities responsible for licensing health care facilities if
 29 such a civil penalty is imposed. **Section 19** of this bill authorizes the Division of Public and
 30 Behavioral Health of the Department of Health and Human Services to suspend or revoke any
 31 license issued by the Division to a health care facility for a violation of **section 20**.

32 Existing law defines the term “sexual offense” for the purpose of requiring persons
 33 convicted of certain sexual offenses to be prohibited from certain employment, to register as a
 34 sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill
 35 certain other requirements. (NRS 118A.335, 176.0913, 176A.410, 179D.095, 179D.097,
 36 179D.441, 213.1099, 213.1245) **Section 15** of this bill revises the list of sexual offenses to
 37 which these statutory provisions apply to include certain violations of **section 5**. **Section 16** of
 38 this bill makes a conforming change related to the numbering changes made in **section 15**.

39 Existing law prohibits a court from ordering the victim of or a witness to certain sexual
 40 offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700)
 41 **Section 9** of this bill adds certain violations of **section 5** to the list of sexual offenses to which
 42 that prohibition applies.

43 Existing law: (1) requires a court to include a special sentence of lifetime supervision for
 44 any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime
 45 supervision. (NRS 176.0931, 213.1243) **Sections 10 and 17** of this bill add certain violations
 46 of **section 5** to the list of sexual offenses that require a special sentence of lifetime supervision
 47 and for which conditions of lifetime supervision apply.

48 Existing law: (1) requires that a person convicted of certain sexual offenses undergo a
 49 psychosexual evaluation as part of the presentence investigation report prepared by the
 50 Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court
 51 from granting probation to or suspending the sentence of a person convicted of certain sexual
 52 offenses, unless the person who conducts the evaluation certifies that the person convicted of
 53 the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110)
 54 **Sections 11 and 12** of this bill add certain violations of **section 5** to the list of sexual offenses
 55 that require a psychosexual evaluation to be conducted and for which a court is prohibited
 56 from granting probation to or suspending the sentence of a person, unless the person who
 57 conducts the psychosexual evaluation certifies that the person does not represent a high risk to
 58 reoffend.

59 Existing law similarly requires the Department of Corrections to assess each prisoner who
 60 has been convicted of a sexual offense before a scheduled parole hearing to determine the
 61 prisoner’s risk to reoffend. (NRS 213.1214) **Section 18** of this bill adds certain violations of
 62 **section 5** to the list of offenses which require such an assessment.

63 Existing law requires a court to provide certain documentation to each victim and witness
 64 and certain other persons if an offender is convicted of certain sexual offenses. (NRS
 65 178.5698) **Section 13** of this bill requires that such documentation be provided to such
 66 persons if an offender is convicted of certain violations of **section 5**.

67 **Section 14** of this bill makes the provisions of law which prohibit a person convicted of a
 68 sexual offense from petitioning a court to seal the records relating to such a conviction
 69 applicable to a person convicted of certain violations of **section 5**. (NRS 179.245)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 200 of NRS is hereby amended by adding thereto the
 2 provisions set forth as sections 2 to 6, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless the context*
 4 *otherwise requires, the words and terms defined in sections 3 and 4 of this act*
 5 *have the meanings ascribed to them in those sections.*

6 **Sec. 3.** *“Assisted reproduction” has the meaning ascribed to it in NRS*
 7 *126.510.*

1 **Sec. 4. “Human reproductive material” means a gamete or human**
2 **organism at any stage of development from fertilized ovum to embryo.**

3 **Sec. 5. 1. A provider of health care who, in rendering services for assisted**
4 **reproduction:**

5 **(a) Knowingly implants his or her own human reproductive material in a**
6 **patient without the express consent of the patient is guilty of fertility fraud.**

7 **(b) Knowingly uses or provides a patient with human reproductive material**
8 **other than the human reproductive material the patient expressly consented to**
9 **the use or receipt of is guilty of fertility fraud.**

10 **2. Unless a greater penalty is provided by statute, a person convicted of the**
11 **crime of fertility fraud is guilty of a category B felony and shall be punished by**
12 **imprisonment in the state prison for a minimum term of not less than 2 years and**
13 **a maximum term of not more than 15 years, and may be further be punished by a**
14 **fine of not more than \$10,000.**

15 **3. Upon conviction of a person for the crime of fertility fraud, the Attorney**
16 **General shall give notice of the conviction to each professional licensing board**
17 **that has issued a license, certificate or registration to the person.**

18 **4. As used in this section, “provider of health care” means a physician or**
19 **physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS or an**
20 **advanced practice registered nurse licensed under chapter 632 of NRS.**

21 **Sec. 6. 1. A person shall not knowingly convey to a patient false**
22 **information or information the person reasonably should have known was false**
23 **relating to assisted reproduction, including, without limitation, false information**
24 **or information the person reasonably should have known was false concerning:**

25 **(a) The identity, date of birth or address of the donor at the time of donation;**

26 **(b) The human reproductive material used or provided to the patient for**
27 **assisted reproduction;**

28 **(c) The medical history of the donor or family of the donor, including,**
29 **without limitation:**

30 **(1) Past and current illnesses of the donor; and**

31 **(2) Genetic information of the donor; and**

32 **(d) The social history of the donor.**

33 **2. A person who violates this section is guilty of a category C felony and**
34 **shall be punished as provided in NRS 193.130.**

35 **3. Upon conviction of a person for a violation of the provisions of this**
36 **section, the Attorney General shall give notice of the conviction to each**
37 **professional licensing board that has issued a license, certificate or registration to**
38 **the person.**

39 **4. As used in this section:**

40 **(a) “Genetic information” means any information that is obtained from a**
41 **genetic test.**

42 **(b) “Genetic test” means a test, including a laboratory test that uses**
43 **deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to**
44 **determine the presence of abnormalities or deficiencies, including carrier status,**
45 **that:**

46 **(1) Are linked to physical or mental disorders or impairments; or**

47 **(2) Indicate a susceptibility to illness, disease, impairment or any other**
48 **disorder, whether physical or mental.**

49 **Sec. 7. NRS 11.190 is hereby amended to read as follows:**

50 11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and
51 217.007, actions other than those for the recovery of real property, unless further
52 limited by specific statute, may only be commenced as follows:

53 1. Within 6 years:

1 (a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon
2 a judgment or decree of any court of the United States, or of any state or territory
3 within the United States, or the renewal thereof.

4 (b) An action upon a contract, obligation or liability founded upon an
5 instrument in writing, except those mentioned in the preceding sections of this
6 chapter.

7 2. Within 4 years:

8 (a) An action on an open account for goods, wares and merchandise sold and
9 delivered.

10 (b) An action for any article charged on an account in a store.

11 (c) An action upon a contract, obligation or liability not founded upon an
12 instrument in writing.

13 (d) Except as otherwise provided in NRS 11.245, an action against a person
14 alleged to have committed a deceptive trade practice in violation of NRS 598.0903
15 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the
16 aggrieved party discovers, or by the exercise of due diligence should have
17 discovered, the facts constituting the deceptive trade practice.

18 3. Within 3 years:

19 (a) An action upon a liability created by statute, other than a penalty or
20 forfeiture.

21 (b) An action for waste or trespass of real property, but when the waste or
22 trespass is committed by means of underground works upon any mining claim, the
23 cause of action shall be deemed to accrue upon the discovery by the aggrieved party
24 of the facts constituting the waste or trespass.

25 (c) An action for taking, detaining or injuring personal property, including
26 actions for specific recovery thereof, but in all cases where the subject of the action
27 is a domestic animal usually included in the term "livestock," which has a recorded
28 mark or brand upon it at the time of its loss, and which strays or is stolen from the
29 true owner without the owner's fault, the statute does not begin to run against an
30 action for the recovery of the animal until the owner has actual knowledge of such
31 facts as would put a reasonable person upon inquiry as to the possession thereof by
32 the defendant.

33 (d) Except as otherwise provided in NRS 112.230 and 166.170, an action for
34 relief on the ground of fraud or mistake, but the cause of action in such a case shall
35 be deemed to accrue upon the discovery by the aggrieved party of the facts
36 constituting the fraud or mistake.

37 (e) An action pursuant to NRS 40.750 for damages sustained by a financial
38 institution or other lender because of its reliance on certain fraudulent conduct of a
39 borrower, but the cause of action in such a case shall be deemed to accrue upon the
40 discovery by the financial institution or other lender of the facts constituting the
41 concealment or false statement.

42 *(f) An action pursuant to section 8 of this act, but the cause of action shall be*
43 *deemed to accrue upon the discovery by the aggrieved party of the facts*
44 *constituting fertility fraud ~~or~~ or of any medical or genetic disorder which results*
45 *from the human reproductive material implanted in, used on or provided to a*
46 *patient in violation of section 5 of this act, whichever occurs later.*

47 4. Within 2 years:

48 (a) An action against a sheriff, coroner or constable upon liability incurred by
49 acting in his or her official capacity and in virtue of his or her office, or by the
50 omission of an official duty, including the nonpayment of money collected upon an
51 execution.

1 (b) An action upon a statute for a penalty or forfeiture, where the action is
2 given to a person or the State, or both, except when the statute imposing it
3 prescribes a different limitation.

4 (c) An action for libel, slander, assault, battery, false imprisonment or
5 seduction.

6 (d) An action against a sheriff or other officer for the escape of a prisoner
7 arrested or imprisoned on civil process.

8 (e) Except as otherwise provided in NRS 11.215, an action to recover damages
9 for injuries to a person or for the death of a person caused by the wrongful act or
10 neglect of another. The provisions of this paragraph relating to an action to recover
11 damages for injuries to a person apply only to causes of action which accrue after
12 March 20, 1951.

13 (f) An action to recover damages under NRS 41.740.

14 5. Within 1 year:

15 (a) An action against an officer, or officer de facto to recover goods, wares,
16 merchandise or other property seized by the officer in his or her official capacity, as
17 tax collector, or to recover the price or value of goods, wares, merchandise or other
18 personal property so seized, or for damages for the seizure, detention or sale of, or
19 injury to, goods, wares, merchandise or other personal property seized, or for
20 damages done to any person or property in making the seizure.

21 (b) An action against an officer, or officer de facto for money paid to the
22 officer under protest, or seized by the officer in his or her official capacity, as a
23 collector of taxes, and which, it is claimed, ought to be refunded.

24 **Sec. 8.** Chapter 41 of NRS is hereby amended by adding thereto a new
25 section to read as follows:

26 *1. A person who has suffered an injury as a result of a violation of section 5*
27 *of this act may bring an action for the recovery of his or her actual damages and*
28 *any punitive damages which the facts may warrant if the person is or was, at the*
29 *time of assisted reproduction:*

30 *(a) A patient who gave birth to a child conceived through assisted*
31 *reproduction as a result of a violation of section 5 of this act;*

32 *(b) The spouse of a patient who gave birth to a child conceived through*
33 *assisted reproduction as a result of a violation of section 5 of this act;*

34 *(c) A child conceived through assisted reproduction as a result of a violation*
35 *of section 5 of this act; or*

36 *(d) A donor whose human reproductive material resulted in the birth of a*
37 *child conceived through assisted reproduction as a result of a violation of section*
38 *5 of this act.*

39 *2. Each child born as a result of a violation of section 5 of this act*
40 *constitutes the basis for a separate cause of action.*

41 *3. A person who prevails in an action brought pursuant to subsection 1 may*
42 *recover his or her actual damages, attorney's fees and costs and any punitive*
43 *damages that the facts may warrant.*

44 *4. The liability imposed by this section is in addition to any other liability*
45 *imposed by law.*

46 *5. For the purposes of this section, a violation of section 5 of this act shall*
47 *be deemed to have been committed where the procedure for assisted reproduction*
48 *occurred or at the principal place of business of the provider of health care.*

49 *6. As used in this section:*

50 *(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.*

51 *(b) "Human reproductive material" has the meaning ascribed to it in section*
52 *4 of this act.*

1 (c) *“Provider of health care” has the meaning ascribed to it in section 5 of*
2 *this act.*

3 **Sec. 9.** NRS 50.700 is hereby amended to read as follows:

4 50.700 1. In any criminal or juvenile delinquency action relating to the
5 commission of a sexual offense, a court may not order the victim of or a witness to
6 the sexual offense to take or submit to a psychological or psychiatric examination.

7 2. The court may exclude the testimony of a licensed psychologist,
8 psychiatrist or clinical social worker who performed a psychological or psychiatric
9 examination on the victim or witness if:

10 (a) There is a prima facie showing of a compelling need for an additional
11 psychological or psychiatric examination of the victim or witness by a licensed
12 psychologist, psychiatrist or clinical social worker; and

13 (b) The victim or witness refuses to submit to an additional psychological or
14 psychiatric examination by a licensed psychologist, psychiatrist or clinical social
15 worker.

16 3. In determining whether there is a prima facie showing of a compelling need
17 for an additional psychological or psychiatric examination of the victim or witness
18 pursuant to subsection 2, the court must consider whether:

19 (a) There is a reasonable basis for believing that the mental or emotional state
20 of the victim or witness may have affected his or her ability to perceive and relate
21 events relevant to the criminal prosecution; and

22 (b) Any corroboration of the offense exists beyond the testimony of the victim
23 or witness.

24 4. If the court determines there is a prima facie showing of a compelling need
25 for an additional psychological or psychiatric examination of the victim or witness,
26 the court shall issue a factual finding that details with particularity the reasons why
27 an additional psychological or psychiatric examination of the victim or witness is
28 warranted.

29 5. If the court issues a factual finding pursuant to subsection 4 and the victim
30 or witness consents to an additional psychological or psychiatric examination, the
31 court shall set the parameters for the examination consistent with the purpose of
32 determining the ability of the victim or witness to perceive and relate events
33 relevant to the criminal prosecution.

34 6. As used in this section, “sexual offense” includes, without limitation:

35 (a) An offense that is found to be sexually motivated pursuant to NRS 175.547
36 or 207.193;

37 (b) Sexual assault pursuant to NRS 200.366;

38 (c) Statutory sexual seduction pursuant to NRS 200.368;

39 (d) Battery with intent to commit sexual assault pursuant to NRS 200.400;

40 (e) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
41 abuse or sexual exploitation;

42 (f) An offense involving pornography and a minor pursuant to NRS 200.710 to
43 200.730, inclusive;

44 (g) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of*
45 *this act;*

46 (h) Incest pursuant to NRS 201.180;

47 ~~(b)~~ (i) Open or gross lewdness pursuant to NRS 201.210;

48 ~~(c)~~ (j) Indecent or obscene exposure pursuant to NRS 201.220;

49 ~~(d)~~ (k) Lewdness with a child pursuant to NRS 201.230;

50 ~~(e)~~ (l) Pandering or sex trafficking of a child pursuant to NRS 201.300;

51 ~~(f)~~ (m) An offense involving the administration of a drug to another person
52 with the intent to enable or assist the commission of a felony pursuant to NRS
53 200.405, if the felony is an offense listed in this section;

1 ~~[(m)]~~ (n) An offense involving the administration of a controlled substance to
2 another person with the intent to enable or assist the commission of a crime of
3 violence pursuant to NRS 200.408, if the crime of violence is an offense listed in
4 this section;

5 ~~[(n)]~~ (o) Sexual penetration of a dead human body pursuant to NRS 201.450;

6 ~~[(o)]~~ (p) Luring a child or a person with mental illness pursuant to NRS
7 201.560;

8 ~~[(p)]~~ (q) Any other offense that has an element involving a sexual act or sexual
9 conduct with another person; or

10 ~~[(q)]~~ (r) Any attempt or conspiracy to commit an offense listed in this
11 subsection.

12 **Sec. 10.** NRS 176.0931 is hereby amended to read as follows:

13 176.0931 1. If a defendant is convicted of a sexual offense, the court shall
14 include in sentencing, in addition to any other penalties provided by law, a special
15 sentence of lifetime supervision.

16 2. The special sentence of lifetime supervision commences after any period of
17 probation or any term of imprisonment and any period of release on parole.

18 3. A person sentenced to lifetime supervision may petition the sentencing
19 court or the State Board of Parole Commissioners for release from lifetime
20 supervision. The sentencing court or the Board shall grant a petition for release
21 from a special sentence of lifetime supervision if:

22 (a) The person has complied with the requirements of the provisions of NRS
23 179D.010 to 179D.550, inclusive;

24 (b) The person has not been convicted of an offense that poses a threat to the
25 safety or well-being of others for an interval of at least 10 consecutive years after
26 the person's last conviction or release from incarceration, whichever occurs later;
27 and

28 (c) The person is not likely to pose a threat to the safety of others, as
29 determined by a licensed, clinical professional who has received training in the
30 treatment of sexual offenders, if released from lifetime supervision.

31 4. A person who is released from lifetime supervision pursuant to the
32 provisions of subsection 3 remains subject to the provisions for registration as a sex
33 offender and to the provisions for community notification, unless the person is
34 otherwise relieved from the operation of those provisions pursuant to the provisions
35 of NRS 179D.010 to 179D.550, inclusive.

36 5. As used in this section:

37 (a) "Offense that poses a threat to the safety or well-being of others" includes,
38 without limitation:

39 (1) An offense that involves:

40 (I) A victim less than 18 years of age;

41 (II) A crime against a child as defined in NRS 179D.0357;

42 (III) A sexual offense as defined in NRS 179D.097;

43 (IV) A deadly weapon, explosives or a firearm;

44 (V) The use or threatened use of force or violence;

45 (VI) Physical or mental abuse;

46 (VII) Death or bodily injury;

47 (VIII) An act of domestic violence;

48 (IX) Harassment, stalking, threats of any kind or other similar acts;

49 (X) The forcible or unlawful entry of a home, building, structure,
50 vehicle or other real or personal property; or

51 (XI) The infliction or threatened infliction of damage or injury, in
52 whole or in part, to real or personal property.

1 (2) Any offense listed in subparagraph (1) that is committed in this State or
 2 another jurisdiction, including, without limitation, an offense prosecuted in:

3 (I) A tribal court.

4 (II) A court of the United States or the Armed Forces of the United
 5 States.

6 (b) “Sexual offense” means:

7 (1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS
 8 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450,
 9 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
 10 subsection 5 of NRS 201.560 ~~(h)~~ *or paragraph (a) of subsection 1 of section 5 of*
 11 *this act;*

12 (2) An attempt to commit an offense listed in subparagraph (1); or

13 (3) An act of murder in the first or second degree, kidnapping in the first or
 14 second degree, false imprisonment, burglary or invasion of the home if the act is
 15 determined to be sexually motivated at a hearing conducted pursuant to NRS
 16 175.547.

17 **Sec. 11.** NRS 176.133 is hereby amended to read as follows:

18 176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context
 19 otherwise requires:

20 1. “Person professionally qualified to conduct psychosexual evaluations”
 21 means a person who has received training in conducting psychosexual evaluations
 22 and is:

23 (a) A psychiatrist licensed to practice medicine in this State and certified by the
 24 American Board of Psychiatry and Neurology, Inc.;

25 (b) A psychologist licensed to practice in this State;

26 (c) A social worker holding a master’s degree in social work and licensed in
 27 this State as a clinical social worker;

28 (d) A registered nurse holding a master’s degree in the field of psychiatric
 29 nursing and licensed to practice professional nursing in this State;

30 (e) A marriage and family therapist licensed in this State pursuant to chapter
 31 641A of NRS; or

32 (f) A clinical professional counselor licensed in this State pursuant to chapter
 33 641A of NRS.

34 2. “Psychosexual evaluation” means an evaluation conducted pursuant to
 35 NRS 176.139.

36 3. “Sexual offense” means:

37 (a) Sexual assault pursuant to NRS 200.366;

38 (b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a
 39 felony;

40 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

41 (d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
 42 abuse or sexual exploitation and is punished as a felony;

43 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to
 44 200.730, inclusive;

45 (f) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of*
 46 *this act;*

47 (g) Incest pursuant to NRS 201.180;

48 ~~(g)~~ (h) Open or gross lewdness pursuant to NRS 201.210, if punished as a
 49 felony;

50 ~~(h)~~ (i) Indecent or obscene exposure pursuant to NRS 201.220, if punished
 51 as a felony;

52 ~~(i)~~ (j) Lewdness with a child pursuant to NRS 201.230;

53 ~~(j)~~ (k) Sexual penetration of a dead human body pursuant to NRS 201.450;

1 ~~[(k)]~~ (l) Sexual conduct between certain employees of a school or volunteers
2 at a school and a pupil pursuant to NRS 201.540;

3 ~~[(l)]~~ (m) Sexual conduct between certain employees of a college or university
4 and a student pursuant to NRS 201.550;

5 ~~[(m)]~~ (n) Luring a child or a person with mental illness pursuant to NRS
6 201.560, if punished as a felony;

7 ~~[(n)]~~ (o) An attempt to commit an offense listed in paragraphs (a) to ~~[(m)]~~ (n),
8 inclusive, if punished as a felony; or

9 ~~[(o)]~~ (p) An offense that is determined to be sexually motivated pursuant to
10 NRS 175.547 or 207.193.

11 **Sec. 12.** NRS 176A.110 is hereby amended to read as follows:

12 176A.110 1. The court shall not grant probation to or suspend the sentence
13 of a person convicted of an offense listed in subsection 3 unless:

14 (a) If a psychosexual evaluation of the person is required pursuant to NRS
15 176.139, the person who conducts the psychosexual evaluation certifies in the
16 report prepared pursuant to NRS 176.139 that the person convicted of the offense
17 does not represent a high risk to reoffend based upon a currently accepted standard
18 of assessment; or

19 (b) If a psychosexual evaluation of the person is not required pursuant to NRS
20 176.139, a psychologist licensed to practice in this State who is trained to conduct
21 psychosexual evaluations or a psychiatrist licensed to practice medicine in this
22 State who is certified by the American Board of Psychiatry and Neurology, Inc.,
23 and is trained to conduct psychosexual evaluations certifies in a written report to
24 the court that the person convicted of the offense does not represent a high risk to
25 reoffend based upon a currently accepted standard of assessment.

26 2. This section does not create a right in any person to be certified or to
27 continue to be certified. No person may bring a cause of action against the State, its
28 political subdivisions, or the agencies, boards, commissions, departments, officers
29 or employees of the State or its political subdivisions for not certifying a person
30 pursuant to this section or for refusing to consider a person for certification
31 pursuant to this section.

32 3. The provisions of this section apply to a person convicted of any of the
33 following offenses:

34 (a) Attempted sexual assault of a person who is 16 years of age or older
35 pursuant to NRS 200.366.

36 (b) Statutory sexual seduction pursuant to NRS 200.368.

37 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

38 (d) Abuse or neglect of a child pursuant to NRS 200.508.

39 (e) An offense involving pornography and a minor pursuant to NRS 200.710 to
40 200.730, inclusive.

41 (f) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of*
42 *this act.*

43 (g) Incest pursuant to NRS 201.180.

44 ~~[(g)]~~ (h) Open or gross lewdness pursuant to NRS 201.210.

45 ~~[(h)]~~ (i) Indecent or obscene exposure pursuant to NRS 201.220.

46 ~~[(i)]~~ (j) Sexual penetration of a dead human body pursuant to NRS 201.450.

47 ~~[(j)]~~ (k) Sexual conduct between certain employees of a school or volunteers
48 at a school and a pupil pursuant to NRS 201.540.

49 ~~[(k)]~~ (l) Sexual conduct between certain employees of a college or university
50 and a student pursuant to NRS 201.550.

51 ~~[(l)]~~ (m) Luring a child or a person with mental illness pursuant to NRS
52 201.560, if punished as a felony.

53 ~~[(m)]~~ (n) A violation of NRS 207.180.

1 ~~(m)~~ (o) An attempt to commit an offense listed in paragraphs (b) to ~~(m)~~ (n),
2 inclusive.

3 ~~(o)~~ (p) Coercion or attempted coercion that is determined to be sexually
4 motivated pursuant to NRS 207.193.

5 **Sec. 13.** NRS 178.5698 is hereby amended to read as follows:

6 178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon
7 the request of a victim or witness, inform the victim or witness:

8 (a) When the defendant is released from custody at any time before or during
9 the trial, including, without limitation, when the defendant is released pending trial
10 or subject to electronic supervision;

11 (b) If the defendant is so released, the amount of bail required, if any; and

12 (c) Of the final disposition of the criminal case in which the victim or witness
13 was directly involved.

14 2. A request for information pursuant to subsection 1 must be made:

15 (a) In writing; or

16 (b) By telephone through an automated or computerized system of notification,
17 if such a system is available.

18 3. If an offender is convicted of a sexual offense or an offense involving the
19 use or threatened use of force or violence against the victim, the court shall provide:

20 (a) To each witness, documentation that includes:

21 (1) A form advising the witness of the right to be notified pursuant to
22 subsection 5;

23 (2) The form that the witness must use to request notification in writing;
24 and

25 (3) The form or procedure that the witness must use to provide a change of
26 address after a request for notification has been submitted.

27 (b) To each person listed in subsection 4, documentation that includes:

28 (1) A form advising the person of the right to be notified pursuant to
29 subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923,
30 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS
31 213.10915;

32 (2) The forms that the person must use to request notification; and

33 (3) The forms or procedures that the person must use to provide a change
34 of address after a request for notification has been submitted.

35 4. The following persons are entitled to receive documentation pursuant to
36 paragraph (b) of subsection 3:

37 (a) A person against whom the offense is committed.

38 (b) A person who is injured as a direct result of the commission of the offense.

39 (c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each
40 parent or guardian who is not the offender.

41 (d) Each surviving spouse, parent and child of a person who is killed as a direct
42 result of the commission of the offense.

43 (e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the
44 relative requests in writing to be provided with the documentation.

45 5. Except as otherwise provided in subsection 6, if the offense was a felony
46 and the offender is imprisoned, the warden of the prison shall, if the victim or
47 witness so requests in writing and provides a current address, notify the victim or
48 witness at that address when the offender is released from the prison.

49 6. If the offender was convicted of a violation of subsection 3 of NRS
50 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or
51 subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of
52 the prison shall notify:

1 (a) The immediate family of the victim if the immediate family provides their
 2 current address;

3 (b) Any member of the victim’s family related within the third degree of
 4 consanguinity, if the member of the victim’s family so requests in writing and
 5 provides a current address; and

6 (c) The victim, if the victim will be 18 years of age or older at the time of the
 7 release and has provided a current address,

8 before the offender is released from prison.

9 7. The warden must not be held responsible for any injury proximately caused
 10 by the failure to give any notice required pursuant to this section if no address was
 11 provided to the warden or if the address provided is inaccurate or not current.

12 8. As used in this section:

13 (a) “Immediate family” means any adult relative of the victim living in the
 14 victim’s household.

15 (b) “Sexual offense” means:

16 (1) Sexual assault pursuant to NRS 200.366;

17 (2) Statutory sexual seduction pursuant to NRS 200.368;

18 (3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

19 (4) An offense involving pornography and a minor pursuant to NRS
 20 200.710 to 200.730, inclusive;

21 (5) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5*
 22 *of this act;*

23 (6) Incest pursuant to NRS 201.180;

24 ~~[(6)]~~ (7) Open or gross lewdness pursuant to NRS 201.210;

25 ~~[(7)]~~ (8) Indecent or obscene exposure pursuant to NRS 201.220;

26 ~~[(8)]~~ (9) Lewdness with a child pursuant to NRS 201.230;

27 ~~[(9)]~~ (10) Sexual penetration of a dead human body pursuant to NRS
 28 201.450;

29 ~~[(10)]~~ (11) Sexual conduct between certain employees of a school or
 30 volunteers at a school and a pupil pursuant to NRS 201.540;

31 ~~[(11)]~~ (12) Sexual conduct between certain employees of a college or
 32 university and a student pursuant to NRS 201.550;

33 ~~[(12)]~~ (13) Luring a child or a person with mental illness pursuant to NRS
 34 201.560, if punished as a felony;

35 ~~[(13)]~~ (14) An offense that, pursuant to a specific statute, is determined to
 36 be sexually motivated; or

37 ~~[(14)]~~ (15) An attempt to commit an offense listed in this paragraph.

38 **Sec. 14.** NRS 179.245 is hereby amended to read as follows:

39 179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211,
 40 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a
 41 person may petition the court in which the person was convicted for the sealing of
 42 all records relating to a conviction of:

43 (a) A category A felony, a crime of violence or residential burglary pursuant to
 44 NRS 205.060 after 10 years from the date of release from actual custody or
 45 discharge from parole or probation, whichever occurs later;

46 (b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or
 47 D felony after 5 years from the date of release from actual custody or discharge
 48 from parole or probation, whichever occurs later;

49 (c) A category E felony after 2 years from the date of release from actual
 50 custody or discharge from parole or probation, whichever occurs later;

51 (d) Except as otherwise provided in paragraph (e), any gross misdemeanor
 52 after 2 years from the date of release from actual custody or discharge from
 53 probation, whichever occurs later;

1 (e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS
2 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic
3 violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of
4 release from actual custody or from the date when the person is no longer under a
5 suspended sentence, whichever occurs later;

6 (f) Except as otherwise provided in paragraph (e), if the offense is punished as
7 a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS
8 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or
9 extended order for protection, after 2 years from the date of release from actual
10 custody or from the date when the person is no longer under a suspended sentence,
11 whichever occurs later; or

12 (g) Any other misdemeanor after 1 year from the date of release from actual
13 custody or from the date when the person is no longer under a suspended sentence,
14 whichever occurs later.

15 2. A petition filed pursuant to subsection 1 must:

16 (a) Be accompanied by the petitioner's current, verified records received from
17 the Central Repository for Nevada Records of Criminal History;

18 (b) If the petition references NRS 453.3365, include a certificate of
19 acknowledgment or the disposition of the proceedings for the records to be sealed
20 from all agencies of criminal justice which maintain such records;

21 (c) Include a list of any other public or private agency, company, official or
22 other custodian of records that is reasonably known to the petitioner to have
23 possession of records of the conviction and to whom the order to seal records, if
24 issued, will be directed; and

25 (d) Include information that, to the best knowledge and belief of the petitioner,
26 accurately and completely identifies the records to be sealed, including, without
27 limitation, the:

28 (1) Date of birth of the petitioner;

29 (2) Specific conviction to which the records to be sealed pertain; and

30 (3) Date of arrest relating to the specific conviction to which the records to
31 be sealed pertain.

32 3. Upon receiving a petition pursuant to this section, the court shall notify the
33 law enforcement agency that arrested the petitioner for the crime and the
34 prosecuting attorney, including, without limitation, the Attorney General, who
35 prosecuted the petitioner for the crime. The prosecuting attorney and any person
36 having relevant evidence may testify and present evidence at any hearing on the
37 petition.

38 4. If the prosecuting agency that prosecuted the petitioner for the crime
39 stipulates to the sealing of the records, the court shall apply the presumption set
40 forth in NRS 179.2445 and seal the records. If the prosecuting agency does not
41 stipulate to the sealing of the records or does not file a written objection within 30
42 days after receiving notification pursuant to subsection 3 and the court makes the
43 findings set forth in subsection 5, the court may order the sealing of the records in
44 accordance with subsection 5 without a hearing. If the court does not order the
45 sealing of the records or the prosecuting agency files a written objection, a hearing
46 on the petition must be conducted. At the hearing, unless an objecting party
47 presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the
48 court shall apply the presumption and seal the records.

49 5. If the court finds that, in the period prescribed in subsection 1, the
50 petitioner has not been charged with any offense for which the charges are pending
51 or convicted of any offense, except for minor moving or standing traffic violations,
52 the court may order sealed all records of the conviction which are in the custody of
53 any agency of criminal justice or any public or private agency, company, official or

1 other custodian of records in the State of Nevada, and may also order all such
2 records of the petitioner returned to the file of the court where the proceeding was
3 commenced from, including, without limitation, the Federal Bureau of Investigation
4 and all other agencies of criminal justice which maintain such records and which
5 are reasonably known by either the petitioner or the court to have possession of
6 such records.

7 6. A person may not petition the court to seal records relating to a conviction
8 of:

9 (a) A crime against a child;

10 (b) A sexual offense;

11 (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

12 (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony
13 pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

14 (e) A violation of NRS 484C.430;

15 (f) A homicide resulting from driving or being in actual physical control of a
16 vehicle while under the influence of intoxicating liquor or a controlled substance or
17 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
18 484C.430;

19 (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS
20 488.427; or

21 (h) A violation of NRS 488.420 or 488.425.

22 7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of
23 subsection 6 must not be construed to preclude a person from being able to petition
24 the court to seal records relating to a conviction for a violation of NRS 484C.110 or
25 484C.120 pursuant to this section if the person was found guilty of a violation of
26 NRS 484C.110 or 484C.120 that is punishable pursuant to:

27 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or

28 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of
29 conviction entered against him or her for a violation of paragraph (b) of subsection
30 1 of NRS 484C.400 because the person participated in the statewide sobriety and
31 drug monitoring program established pursuant to NRS 484C.392.

32 8. If the court grants a petition for the sealing of records pursuant to this
33 section, upon the request of the person whose records are sealed, the court may
34 order sealed all records of the civil proceeding in which the records were sealed.

35 9. As used in this section:

36 (a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

37 (b) "Sexual offense" means:

38 (1) Murder of the first degree committed in the perpetration or attempted
39 perpetration of sexual assault or of sexual abuse or sexual molestation of a child
40 less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

41 (2) Sexual assault pursuant to NRS 200.366.

42 (3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a
43 felony.

44 (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

45 (5) An offense involving the administration of a drug to another person
46 with the intent to enable or assist the commission of a felony pursuant to NRS
47 200.405, if the felony is an offense listed in this paragraph.

48 (6) An offense involving the administration of a controlled substance to
49 another person with the intent to enable or assist the commission of a crime of
50 violence, if the crime of violence is an offense listed in this paragraph.

51 (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
52 abuse or sexual exploitation.

1 (8) An offense involving pornography and a minor pursuant to NRS
2 200.710 to 200.730, inclusive.

3 (9) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5*
4 *of this act.*

5 (10) Incest pursuant to NRS 201.180.

6 ~~[(10)]~~ (11) Open or gross lewdness pursuant to NRS 201.210, if
7 punishable as a felony.

8 ~~[(11)]~~ (12) Indecent or obscene exposure pursuant to NRS 201.220, if
9 punishable as a felony.

10 ~~[(12)]~~ (13) Lewdness with a child pursuant to NRS 201.230.

11 ~~[(13)]~~ (14) Sexual penetration of a dead human body pursuant to NRS
12 201.450.

13 ~~[(14)]~~ (15) Sexual conduct between certain employees of a school or
14 volunteers at a school and a pupil pursuant to NRS 201.540.

15 ~~[(15)]~~ (16) Sexual conduct between certain employees of a college or
16 university and a student pursuant to NRS 201.550.

17 ~~[(16)]~~ (17) Luring a child or a person with mental illness pursuant to NRS
18 201.560, if punishable as a felony.

19 ~~[(17)]~~ (18) An attempt to commit an offense listed in this paragraph.

20 **Sec. 15.** NRS 179D.097 is hereby amended to read as follows:

21 179D.097 1. "Sexual offense" means any of the following offenses:

22 (a) Murder of the first degree committed in the perpetration or attempted
23 perpetration of sexual assault or of sexual abuse or sexual molestation of a child
24 less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

25 (b) Sexual assault pursuant to NRS 200.366.

26 (c) Statutory sexual seduction pursuant to NRS 200.368.

27 (d) Battery with intent to commit sexual assault pursuant to subsection 4 of
28 NRS 200.400.

29 (e) An offense involving the administration of a drug to another person with
30 the intent to enable or assist the commission of a felony pursuant to NRS 200.405,
31 if the felony is an offense listed in this subsection.

32 (f) An offense involving the administration of a controlled substance to another
33 person with the intent to enable or assist the commission of a crime of violence, if
34 the crime of violence is an offense listed in this section.

35 (g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
36 abuse or sexual exploitation.

37 (h) An offense involving pornography and a minor pursuant to NRS 200.710 to
38 200.730, inclusive.

39 (i) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of*
40 *this act.*

41 (j) Incest pursuant to NRS 201.180.

42 ~~[(j)]~~ (k) Open or gross lewdness pursuant to NRS 201.210.

43 ~~[(k)]~~ (l) Indecent or obscene exposure pursuant to NRS 201.220.

44 ~~[(l)]~~ (m) Lewdness with a child pursuant to NRS 201.230.

45 ~~[(m)]~~ (n) Sexual penetration of a dead human body pursuant to NRS 201.450.

46 ~~[(n)]~~ (o) Sexual conduct between certain employees of a school or volunteers
47 at a school and a pupil pursuant to NRS 201.540.

48 ~~[(o)]~~ (p) Sexual conduct between certain employees of a college or university
49 and a student pursuant to NRS 201.550.

50 ~~[(p)]~~ (q) Luring a child or a person with mental illness pursuant to NRS
51 201.560, if punished as a felony.

52 ~~[(q)]~~ (r) Sex trafficking pursuant to NRS 201.300.

1 ~~(s)~~ (s) Any other offense that has an element involving a sexual act or sexual
2 conduct with another.

3 ~~(t)~~ (t) An attempt or conspiracy to commit an offense listed in paragraphs (a)
4 to ~~(s)~~ (s), inclusive.

5 ~~(u)~~ (u) An offense that is determined to be sexually motivated pursuant to
6 NRS 175.547 or 207.193.

7 ~~(v)~~ (v) An offense committed in another jurisdiction that, if committed in this
8 State, would be an offense listed in this subsection. This paragraph includes,
9 without limitation, an offense prosecuted in:

10 (1) A tribal court.

11 (2) A court of the United States or the Armed Forces of the United States.

12 ~~(w)~~ (w) An offense of a sexual nature committed in another jurisdiction,
13 whether or not the offense would be an offense listed in this section, if the person
14 who committed the offense resides or has resided or is or has been a student or
15 worker in any jurisdiction in which the person is or has been required by the laws of
16 that jurisdiction to register as a sex offender because of the offense. This paragraph
17 includes, without limitation, an offense prosecuted in:

18 (1) A tribal court.

19 (2) A court of the United States or the Armed Forces of the United States.

20 (3) A court having jurisdiction over juveniles.

21 2. Except for the offenses described in paragraphs ~~(o)~~ (o) and ~~(p)~~ (p) of
22 subsection 1, the term does not include an offense involving consensual sexual
23 conduct if the victim was:

24 (a) An adult, unless the adult was under the custodial authority of the offender
25 at the time of the offense; or

26 (b) At least 13 years of age and the offender was not more than 4 years older
27 than the victim at the time of the commission of the offense.

28 **Sec. 16.** NRS 179D.495 is hereby amended to read as follows:

29 179D.495 If a person who is required to register pursuant to NRS 179D.010
30 to 179D.550, inclusive, has been convicted of an offense described in paragraph
31 ~~(s)~~ (s) of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or
32 subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central
33 Repository shall determine whether the person is required to register as a Tier I
34 offender, Tier II offender or Tier III offender.

35 **Sec. 17.** NRS 213.107 is hereby amended to read as follows:

36 213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context
37 otherwise requires:

38 1. "Board" means the State Board of Parole Commissioners.

39 2. "Chief" means the Chief Parole and Probation Officer.

40 3. "Division" means the Division of Parole and Probation of the Department
41 of Public Safety.

42 4. "Residential confinement" means the confinement of a person convicted of
43 a crime to his or her place of residence under the terms and conditions established
44 by the Board.

45 5. "Responsivity factors" means characteristics of a person that affect his or
46 her ability to respond favorably or unfavorably to any treatment goals.

47 6. "Risk and needs assessment" means a validated, standardized actuarial tool
48 that identifies risk factors that increase the likelihood of a person reoffending and
49 factors that, when properly addressed, can reduce the likelihood of a person
50 reoffending.

51 7. "Sex offender" means any person who has been or is convicted of a sexual
52 offense.

53 8. "Sexual offense" means:

1 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710,
2 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540
3 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
4 subsection 5 of NRS 201.560 ~~or~~ **or paragraph (a) of subsection 1 of section 5 of**
5 **this act;**

6 (b) An attempt to commit any offense listed in paragraph (a); or

7 (c) An act of murder in the first or second degree, kidnapping in the first or
8 second degree, false imprisonment, burglary or invasion of the home if the act is
9 determined to be sexually motivated at a hearing conducted pursuant to NRS
10 175.547.

11 9. "Standards" means the objective standards for granting or revoking parole
12 or probation which are adopted by the Board or the Chief.

13 **Sec. 18.** NRS 213.1214 is hereby amended to read as follows:

14 213.1214 1. The Department of Corrections shall assess each prisoner who
15 has been convicted of a sexual offense to determine the prisoner's risk to reoffend
16 in a sexual manner using a currently accepted standard of assessment. The
17 completed assessment must include, without limitation, a determination of the
18 prisoner's level of risk to reoffend in a sexual manner, including, without
19 limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the
20 purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed
21 assessment is provided to the Board before, but not sooner than 120 days before, a
22 scheduled parole hearing.

23 2. The Director shall:

24 (a) Ensure that any employee of the Department who completes an assessment
25 pursuant to subsection 1 is properly trained to assess the risk of an offender to
26 reoffend in a sexual manner.

27 (b) Establish a procedure to:

28 (1) Ensure the accuracy of each completed assessment provided to the
29 Board; and

30 (2) Correct any error occurring in a completed assessment provided to the
31 Board.

32 3. This section does not create a right in any prisoner to be assessed or
33 reassessed more frequently than the prisoner's regularly scheduled parole hearings
34 or under a current or previous standard of assessment and does not restrict the
35 Department from conducting additional assessments of a prisoner if such
36 assessments may assist the Board in determining whether parole should be granted
37 or continued. No cause of action may be brought against the State, its political
38 subdivisions, or the agencies, boards, commissions, departments, officers or
39 employees of the State or its political subdivisions for assessing, not assessing or
40 considering or relying on an assessment of a prisoner, if such decisions or actions
41 are made or conducted in compliance with the procedures set forth in this section.

42 4. The Board shall consider an assessment prepared pursuant to this section
43 before determining whether to grant or revoke the parole of a person convicted of a
44 sexual offense.

45 5. The Board may adopt by regulation the manner in which the Board will
46 consider an assessment prepared pursuant to this section in conjunction with the
47 standards adopted by the Board pursuant to NRS 213.10885.

48 6. As used in this section:

49 (a) "Director" means the Director of the Department of Corrections.

50 (b) "Reoffend in a sexual manner" means to commit a sexual offense.

51 (c) "Sex offender" means a person who, after July 1, 1956, is or has been:

52 (1) Convicted of a sexual offense; or

1 (2) Adjudicated delinquent or found guilty by a court having jurisdiction
2 over juveniles of a sexual offense listed in subparagraph ~~[(20)]~~ (21) of paragraph
3 (d).

4 ➤ The term includes, but is not limited to, a sexually violent predator or a
5 nonresident sex offender who is a student or worker within this State.

6 (d) "Sexual offense" means any of the following offenses:

7 (1) Murder of the first degree committed in the perpetration or attempted
8 perpetration of sexual assault or of sexual abuse or sexual molestation of a child
9 less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

10 (2) Sexual assault pursuant to NRS 200.366.

11 (3) Statutory sexual seduction pursuant to NRS 200.368.

12 (4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

13 (5) An offense involving the administration of a drug to another person
14 with the intent to enable or assist the commission of a felony pursuant to NRS
15 200.405, if the felony is an offense listed in this paragraph.

16 (6) An offense involving the administration of a controlled substance to
17 another person with the intent to enable or assist the commission of a crime of
18 violence pursuant to NRS 200.408, if the crime of violence is an offense listed in
19 this paragraph.

20 (7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
21 abuse or sexual exploitation.

22 (8) An offense involving pornography and a minor pursuant to NRS
23 200.710 to 200.730, inclusive.

24 (9) *Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5*
25 *of this act.*

26 (10) Incest pursuant to NRS 201.180.

27 ~~[(10)]~~ (11) Open or gross lewdness pursuant to NRS 201.210.

28 ~~[(11)]~~ (12) Indecent or obscene exposure pursuant to NRS 201.220.

29 ~~[(12)]~~ (13) Lewdness with a child pursuant to NRS 201.230.

30 ~~[(13)]~~ (14) Sexual penetration of a dead human body pursuant to NRS
31 201.450.

32 ~~[(14)]~~ (15) Sexual conduct between certain employees of a school or
33 volunteers at a school and a pupil pursuant to NRS 201.540.

34 ~~[(15)]~~ (16) Sexual conduct between certain employees of a college or
35 university and a student pursuant to NRS 201.550.

36 ~~[(16)]~~ (17) Luring a child or a person with mental illness pursuant to NRS
37 201.560, if punished as a felony.

38 ~~[(17)]~~ (18) An attempt or conspiracy to commit an offense listed in
39 subparagraphs (1) to ~~[(16)]~~ (17), inclusive.

40 ~~[(18)]~~ (19) An offense that is determined to be sexually motivated
41 pursuant to NRS 175.547 or 207.193.

42 ~~[(19)]~~ (20) An offense committed in another jurisdiction that, if committed
43 in this State, would be an offense listed in this paragraph. This subparagraph
44 includes, but is not limited to, an offense prosecuted in:

45 (I) A tribal court.

46 (II) A court of the United States or the Armed Forces of the United
47 States.

48 ~~[(20)]~~ (21) An offense of a sexual nature committed in another
49 jurisdiction, whether or not the offense would be an offense listed in this paragraph,
50 if the person who committed the offense resides or has resided or is or has been a
51 student or worker in any jurisdiction in which the person is or has been required by
52 the laws of that jurisdiction to register as a sex offender because of the offense. This
53 subparagraph includes, but is not limited to, an offense prosecuted in:

1 (I) A tribal court.

2 (II) A court of the United States or the Armed Forces of the United
3 States.

4 (III) A court having jurisdiction over juveniles.

5 ↪ Except for the offenses described in subparagraphs (15) and (16), the term does
6 not include an offense involving consensual sexual conduct if the victim was an
7 adult, unless the adult was under the custodial authority of the offender at the time
8 of the offense, or if the victim was at least 13 years of age and the offender was not
9 more than 4 years older than the victim at the time of the commission of the
10 offense.

11 **Sec. 19.** NRS 449.160 is hereby amended to read as follows:

12 449.160 1. The Division may deny an application for a license or may
13 suspend or revoke any license issued under the provisions of NRS 449.029 to
14 449.2428, inclusive, upon any of the following grounds:

15 (a) Violation by the applicant or the licensee of any of the provisions of NRS
16 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of
17 the standards, rules and regulations adopted thereunder.

18 (b) Aiding, abetting or permitting the commission of any illegal act.

19 (c) Conduct inimical to the public health, morals, welfare and safety of the
20 people of the State of Nevada in the maintenance and operation of the premises for
21 which a license is issued.

22 (d) Conduct or practice detrimental to the health or safety of the occupants or
23 employees of the facility.

24 (e) Failure of the applicant to obtain written approval from the Director of the
25 Department of Health and Human Services as required by NRS 439A.100 or as
26 provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive,
27 and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is
28 required.

29 (f) Failure to comply with the provisions of NRS 441A.315 and any
30 regulations adopted pursuant thereto or NRS 449.2486.

31 (g) Violation of the provisions of NRS 458.112.

32 *(h) Violation of the provisions of section 20 of this act.*

33 2. In addition to the provisions of subsection 1, the Division may revoke a
34 license to operate a facility for the dependent if, with respect to that facility, the
35 licensee that operates the facility, or an agent or employee of the licensee:

36 (a) Is convicted of violating any of the provisions of NRS 202.470;

37 (b) Is ordered to abate a nuisance pursuant to NRS 244.360,
38 244.3603 or 268.4124; or

39 (c) Is ordered by the appropriate governmental agency to correct a violation of
40 a building, safety or health code or regulation but fails to correct the violation.

41 3. The Division shall maintain a log of any complaints that it receives relating
42 to activities for which the Division may revoke the license to operate a facility for
43 the dependent pursuant to subsection 2. The Division shall provide to a facility for
44 the care of adults during the day:

45 (a) A summary of a complaint against the facility if the investigation of the
46 complaint by the Division either substantiates the complaint or is inconclusive;

47 (b) A report of any investigation conducted with respect to the complaint; and

48 (c) A report of any disciplinary action taken against the facility.

49 ↪ The facility shall make the information available to the public pursuant to NRS
50 449.2486.

51 4. On or before February 1 of each odd-numbered year, the Division shall
52 submit to the Director of the Legislative Counsel Bureau a written report setting
53 forth, for the previous biennium:

1 (a) Any complaints included in the log maintained by the Division pursuant to
2 subsection 3; and

3 (b) Any disciplinary actions taken by the Division pursuant to subsection 2.

4 **Sec. 20.** Chapter 629 of NRS is hereby amended by adding thereto a new
5 section to read as follows:

6 *1. A health care facility shall not provide a patient with human reproductive*
7 *material for assisted reproduction except in accordance with any written*
8 *agreement entered into between:*

9 (a) *The health care facility and the patient; and*

10 (b) *The health care facility and the donor.*

11 *2. A health care facility that violates the provisions of this section is subject*
12 *to a civil penalty of not more than \$10,000 for each violation. This penalty must*
13 *be recovered in a civil action, brought in the name of the State of Nevada by the*
14 *Attorney General. In such an action, the Attorney General may recover*
15 *reasonable attorney's fees and costs. If a civil penalty is imposed against a health*
16 *care facility for violating the provisions of this section, the Attorney General*
17 *shall, within 30 days after the imposition of the civil penalty, notify:*

18 (a) *The Division of Public and Behavioral Health of the Department of*
19 *Health and Human Services, if the violation was committed by a medical facility*
20 *or medical laboratory.*

21 (b) *The occupational licensing board responsible for licensing the provider*
22 *of health care who oversees an unlicensed health care facility, if the violation was*
23 *committed by a health care facility that is not a medical facility or medical*
24 *laboratory.*

25 *3. As used in this section:*

26 (a) *"Assisted reproduction" has the meaning ascribed to it in NRS 126.510.*

27 (b) *"Health care facility" means a medical facility, sperm bank, laboratory,*
28 *clinic or office of a provider of health care that provides services relating to*
29 *assisted reproduction.*

30 (c) *"Human reproductive material" means a gamete or human organism at*
31 *any stage of development from fertilized ovum to embryo.*

32 (d) *"Medical facility" has the meaning ascribed to it in NRS 449.0151.*

33 (e) *"Medical laboratory" has the meaning ascribed to it in NRS 652.060.*

34 (f) *"Provider of health care" has the meaning ascribed to it in section 5 of*
35 *this act.*

36 **Sec. 21.** The amendatory provisions of this act apply to a cause of action that
37 accrues on or after July 1, 2023.

38 **Sec. 22.** This act becomes effective on July 1, 2023.