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FIRST REPRINT

S.B. 309

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:**

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

11 **Section 6** of this bill: (1) prohibits a person from conveying to a patient false  
12 information or information the person reasonably should have known was false  
13 relating to assisted reproduction; and (2) provides that a person who violates such a  
14 prohibition is guilty of a category C felony. **Sections 5 and 6** also require the



\* S B 3 0 9 R 1 \*

15 Attorney General to provide certain notice to each professional licensing board that  
16 has issued a license, certificate or registration to a person who violates **section 5 or**  
17 **6. Sections 3 and 4** of this bill define certain terms for the purposes of **sections 5**  
18 **and 6.**

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

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

37 Existing law defines the term "sexual offense" for the purpose of requiring  
38 persons convicted of certain sexual offenses to be prohibited from certain  
39 employment, to register as a sex offender, to comply with certain mandatory  
40 conditions of probation or parole and to fulfill certain other requirements. (NRS  
41 118A.335, 176.0913, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099,  
42 213.1245) **Section 15** of this bill revises the list of sexual offenses to which these  
43 statutory provisions apply to include certain violations of **section 5. Section 16** of  
44 this bill makes a conforming change related to the numbering changes made in  
45 **section 15.**

46 Existing law prohibits a court from ordering the victim of or a witness to  
47 certain sexual offenses to take or submit to a psychological or psychiatric  
48 examination. (NRS 50.700) **Section 9** of this bill adds certain violations of **section**  
49 **5** to the list of sexual offenses to which that prohibition applies.

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

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

68 Existing law similarly requires the Department of Corrections to assess each  
69 prisoner who has been convicted of a sexual offense before a scheduled parole



70 hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) **Section 18** of  
71 this bill adds certain violations of **section 5** to the list of offenses which require  
72 such an assessment.

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

78 **Section 14** of this bill makes the provisions of law which prohibit a person  
79 convicted of a sexual offense from petitioning a court to seal the records relating to  
80 such a conviction applicable to a person convicted of certain violations of **section**  
81 **5**. (NRS 179.245)

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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  
2 thereto the provisions set forth as sections 2 to 6, inclusive, of this  
3 act.

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

8 **Sec. 3.** *"Assisted reproduction" has the meaning ascribed to*  
9 *it in NRS 126.510.*

10 **Sec. 4.** *"Human reproductive material" means a gamete or*  
11 *human organism at any stage of development from fertilized ovum*  
12 *to embryo.*

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

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

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

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

28 **3.** *Upon conviction of a person for the crime of fertility fraud,*  
29 *the Attorney General shall give notice of the conviction to each*



1 *professional licensing board that has issued a license, certificate*  
2 *or registration to the person.*

3 4. *As used in this section, “provider of health care” means a*  
4 *physician or physician assistant licensed pursuant to chapter 630,*  
5 *630A or 633 of NRS or an advanced practice registered nurse*  
6 *licensed under chapter 632 of NRS.*

7 **Sec. 6. 1.** *A person shall not knowingly convey to a patient*  
8 *false information or information the person reasonably should*  
9 *have known was false relating to assisted reproduction, including,*  
10 *without limitation, false information or information the person*  
11 *reasonably should have known was false concerning:*

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

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

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

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

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

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

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

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

27 4. *As used in this section:*

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

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

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

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

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

39 11.190 *Except as otherwise provided in NRS 40.4639,*  
40 *125B.050 and 217.007, actions other than those for the recovery of*  
41 *real property, unless further limited by specific statute, may only be*  
42 *commenced as follows:*

43 1. *Within 6 years:*

44 (a) *Except as otherwise provided in NRS 62B.420 and 176.275,*  
45 *an action upon a judgment or decree of any court of the United*



1 States, or of any state or territory within the United States, or the  
2 renewal thereof.

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

6 2. Within 4 years:

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

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

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

12 (d) Except as otherwise provided in NRS 11.245, an action  
13 against a person alleged to have committed a deceptive trade  
14 practice in violation of NRS 598.0903 to 598.0999, inclusive, but  
15 the cause of action shall be deemed to accrue when the aggrieved  
16 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  
20 penalty or forfeiture.

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

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

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

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



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

7 4. Within 2 years:

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

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

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

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

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

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

26 5. Within 1 year:

27 (a) An action against an officer, or officer de facto to recover  
28 goods, wares, merchandise or other property seized by the officer in  
29 his or her official capacity, as tax collector, or to recover the price or  
30 value of goods, wares, merchandise or other personal property so  
31 seized, or for damages for the seizure, detention or sale of, or injury  
32 to, goods, wares, merchandise or other personal property seized, or  
33 for damages done to any person or property in making the seizure.

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

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

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



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

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

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

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

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

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

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

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

24 6. *As used in this section:*

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

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

29 (c) *"Provider of health care" has the meaning ascribed to it in*  
30 *section 5 of this act.*

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

32 50.700 1. In any criminal or juvenile delinquency action  
33 relating to the commission of a sexual offense, a court may not order  
34 the victim of or a witness to the sexual offense to take or submit to a  
35 psychological or psychiatric examination.

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

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

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



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

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

9 (b) Any corroboration of the offense exists beyond the  
10 testimony of the victim or witness.

11 4. If the court determines there is a prima facie showing of a  
12 compelling need for an additional psychological or psychiatric  
13 examination of the victim or witness, the court shall issue a factual  
14 finding that details with particularity the reasons why an additional  
15 psychological or psychiatric examination of the victim or witness is  
16 warranted.

17 5. If the court issues a factual finding pursuant to subsection 4  
18 and the victim or witness consents to an additional psychological or  
19 psychiatric examination, the court shall set the parameters for the  
20 examination consistent with the purpose of determining the ability  
21 of the victim or witness to perceive and relate events relevant to the  
22 criminal prosecution.

23 6. As used in this section, "sexual offense" includes, without  
24 limitation:

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

27 (b) Sexual assault pursuant to NRS 200.366;

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

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

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

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

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

37 (h) Incest pursuant to NRS 201.180;

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

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

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

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

43 ~~(m)~~ (m) An offense involving the administration of a drug to  
44 another person with the intent to enable or assist the commission of





1 a felony pursuant to NRS 200.405, if the felony is an offense listed  
2 in this section;

3 ~~[(m)]~~ (n) An offense involving the administration of a  
4 controlled substance to another person with the intent to enable or  
5 assist the commission of a crime of violence pursuant to NRS  
6 200.408, if the crime of violence is an offense listed in this section;

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

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

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

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

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

16 176.0931 1. If a defendant is convicted of a sexual offense,  
17 the court shall include in sentencing, in addition to any other  
18 penalties provided by law, a special sentence of lifetime supervision.

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

22 3. A person sentenced to lifetime supervision may petition the  
23 sentencing court or the State Board of Parole Commissioners for  
24 release from lifetime supervision. The sentencing court or the Board  
25 shall grant a petition for release from a special sentence of lifetime  
26 supervision if:

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

29 (b) The person has not been convicted of an offense that poses a  
30 threat to the safety or well-being of others for an interval of at least  
31 10 consecutive years after the person's last conviction or release  
32 from incarceration, whichever occurs later; and

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

37 4. A person who is released from lifetime supervision pursuant  
38 to the provisions of subsection 3 remains subject to the provisions  
39 for registration as a sex offender and to the provisions for  
40 community notification, unless the person is otherwise relieved from  
41 the operation of those provisions pursuant to the provisions of NRS  
42 179D.010 to 179D.550, inclusive.

43 5. As used in this section:

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



- 1 (1) An offense that involves:  
2 (I) A victim less than 18 years of age;  
3 (II) A crime against a child as defined in  
4 NRS 179D.0357;  
5 (III) A sexual offense as defined in NRS 179D.097;  
6 (IV) A deadly weapon, explosives or a firearm;  
7 (V) The use or threatened use of force or violence;  
8 (VI) Physical or mental abuse;  
9 (VII) Death or bodily injury;  
10 (VIII) An act of domestic violence;  
11 (IX) Harassment, stalking, threats of any kind or other  
12 similar acts;  
13 (X) The forcible or unlawful entry of a home, building,  
14 structure, vehicle or other real or personal property; or  
15 (XI) The infliction or threatened infliction of damage or  
16 injury, in whole or in part, to real or personal property.  
17 (2) Any offense listed in subparagraph (1) that is committed  
18 in this State or another jurisdiction, including, without limitation, an  
19 offense prosecuted in:  
20 (I) A tribal court.  
21 (II) A court of the United States or the Armed Forces of  
22 the United States.  
23 (b) "Sexual offense" means:  
24 (1) A violation of NRS 200.366, subsection 4 of NRS  
25 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730,  
26 NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph  
27 (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of  
28 NRS 201.560 ~~§~~ *or paragraph (a) of subsection 1 of section 5 of*  
29 *this act;*  
30 (2) An attempt to commit an offense listed in subparagraph  
31 (1); or  
32 (3) An act of murder in the first or second degree,  
33 kidnapping in the first or second degree, false imprisonment,  
34 burglary or invasion of the home if the act is determined to be  
35 sexually motivated at a hearing conducted pursuant to NRS 175.547.  
36 **Sec. 11.** NRS 176.133 is hereby amended to read as follows:  
37 176.133 As used in NRS 176.133 to 176.161, inclusive, unless  
38 the context otherwise requires:  
39 1. "Person professionally qualified to conduct psychosexual  
40 evaluations" means a person who has received training in  
41 conducting psychosexual evaluations and is:  
42 (a) A psychiatrist licensed to practice medicine in this State and  
43 certified by the American Board of Psychiatry and Neurology, Inc. ;  
44 (b) A psychologist licensed to practice in this State;



1 (c) A social worker holding a master's degree in social work and  
2 licensed in this State as a clinical social worker;

3 (d) A registered nurse holding a master's degree in the field of  
4 psychiatric nursing and licensed to practice professional nursing in  
5 this State;

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

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

10 2. "Psychosexual evaluation" means an evaluation conducted  
11 pursuant to NRS 176.139.

12 3. "Sexual offense" means:

13 (a) Sexual assault pursuant to NRS 200.366;

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

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

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

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

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

25 (g) Incest pursuant to NRS 201.180;

26 ~~(e)~~ (h) Open or gross lewdness pursuant to NRS 201.210, if  
27 punished as a felony;

28 ~~(h)~~ (i) Indecent or obscene exposure pursuant to NRS  
29 201.220, if punished as a felony;

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

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

33 ~~(k)~~ (l) Sexual conduct between certain employees of a school  
34 or volunteers at a school and a pupil pursuant to NRS 201.540;

35 ~~(l)~~ (m) Sexual conduct between certain employees of a college  
36 or university and a student pursuant to NRS 201.550;

37 ~~(m)~~ (n) Luring a child or a person with mental illness pursuant  
38 to NRS 201.560, if punished as a felony;

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

41 ~~(o)~~ (p) An offense that is determined to be sexually motivated  
42 pursuant to NRS 175.547 or 207.193.



1       **Sec. 12.** NRS 176A.110 is hereby amended to read as follows:  
2       176A.110 1. The court shall not grant probation to or  
3 suspend the sentence of a person convicted of an offense listed in  
4 subsection 3 unless:

5       (a) If a psychosexual evaluation of the person is required  
6 pursuant to NRS 176.139, the person who conducts the  
7 psychosexual evaluation certifies in the report prepared pursuant to  
8 NRS 176.139 that the person convicted of the offense does not  
9 represent a high risk to reoffend based upon a currently accepted  
10 standard of assessment; or

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

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

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

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

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

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

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

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

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

39       (g) Incest pursuant to NRS 201.180.

40       ~~(g)~~ (h) Open or gross lewdness pursuant to NRS 201.210.

41       ~~(h)~~ (i) Indecent or obscene exposure pursuant to  
42 NRS 201.220.

43       ~~(i)~~ (j) Sexual penetration of a dead human body pursuant to  
44 NRS 201.450.



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

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

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

7 ~~(n)~~ (n) A violation of NRS 207.180.

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

10 ~~(p)~~ (p) Coercion or attempted coercion that is determined to  
11 be sexually motivated pursuant to NRS 207.193.

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

13 178.5698 1. The prosecuting attorney, sheriff or chief of  
14 police shall, upon the request of a victim or witness, inform the  
15 victim or witness:

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

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

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

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

26 (a) In writing; or

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

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

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

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

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

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

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

42 (1) A form advising the person of the right to be notified  
43 pursuant to subsection 5 or 6 and NRS 176.015, 176A.630,  
44 178.4715, 209.392, 209.3923, 209.3925, 209.429, 209.521, 213.010,  
45 213.040, 213.095 and 213.131 or NRS 213.10915;



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

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

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

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

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

11 (c) If a person listed in paragraph (a) or (b) is under the age of  
12 18 years, each parent or guardian who is not the offender.

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

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

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

23 6. If the offender was convicted of a violation of subsection 3  
24 of NRS 200.366 or a violation of subsection 1, paragraph (a) of  
25 subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of  
26 NRS 200.508, the warden of the prison shall notify:

27 (a) The immediate family of the victim if the immediate family  
28 provides their current address;

29 (b) Any member of the victim's family related within the third  
30 degree of consanguinity, if the member of the victim's family so  
31 requests in writing and provides a current address; and

32 (c) The victim, if the victim will be 18 years of age or older at  
33 the time of the release and has provided a current address,  
34 before the offender is released from prison.

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

39 8. As used in this section:

40 (a) "Immediate family" means any adult relative of the victim  
41 living in the victim's household.

42 (b) "Sexual offense" means:

43 (1) Sexual assault pursuant to NRS 200.366;

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



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

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

5 (5) *Fertility fraud pursuant to paragraph (a) of subsection*  
6 *1 of section 5 of this act;*

7 (6) Incest pursuant to NRS 201.180;

8 ~~[(6)]~~ (7) Open or gross lewdness pursuant to NRS 201.210;

9 ~~[(7)]~~ (8) Indecent or obscene exposure pursuant to  
10 NRS 201.220;

11 ~~[(8)]~~ (9) Lewdness with a child pursuant to NRS 201.230;

12 ~~[(9)]~~ (10) Sexual penetration of a dead human body pursuant  
13 to NRS 201.450;

14 ~~[(10)]~~ (11) Sexual conduct between certain employees of a  
15 school or volunteers at a school and a pupil pursuant to  
16 NRS 201.540;

17 ~~[(11)]~~ (12) Sexual conduct between certain employees of a  
18 college or university and a student pursuant to NRS 201.550;

19 ~~[(12)]~~ (13) Luring a child or a person with mental illness  
20 pursuant to NRS 201.560, if punished as a felony;

21 ~~[(13)]~~ (14) An offense that, pursuant to a specific statute, is  
22 determined to be sexually motivated; or

23 ~~[(14)]~~ (15) An attempt to commit an offense listed in this  
24 paragraph.

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

26 179.245 1. Except as otherwise provided in subsection 6 and  
27 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,  
28 201.354 and 453.3365, a person may petition the court in which the  
29 person was convicted for the sealing of all records relating to a  
30 conviction of:

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

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

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

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



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

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

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

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

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

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

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

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

32 (1) Date of birth of the petitioner;

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

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

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

44 4. If the prosecuting agency that prosecuted the petitioner for  
45 the crime stipulates to the sealing of the records, the court shall





1 apply the presumption set forth in NRS 179.2445 and seal the  
2 records. If the prosecuting agency does not stipulate to the sealing of  
3 the records or does not file a written objection within 30 days after  
4 receiving notification pursuant to subsection 3 and the court makes  
5 the findings set forth in subsection 5, the court may order the sealing  
6 of the records in accordance with subsection 5 without a hearing. If  
7 the court does not order the sealing of the records or the prosecuting  
8 agency files a written objection, a hearing on the petition must be  
9 conducted. At the hearing, unless an objecting party presents  
10 evidence sufficient to rebut the presumption set forth in NRS  
11 179.2445, the court shall apply the presumption and seal the records.

12 5. If the court finds that, in the period prescribed in subsection  
13 1, the petitioner has not been charged with any offense for which the  
14 charges are pending or convicted of any offense, except for minor  
15 moving or standing traffic violations, the court may order sealed all  
16 records of the conviction which are in the custody of any agency of  
17 criminal justice or any public or private agency, company, official  
18 or other custodian of records in the State of Nevada, and may also  
19 order all such records of the petitioner returned to the file of the  
20 court where the proceeding was commenced from, including,  
21 without limitation, the Federal Bureau of Investigation and all other  
22 agencies of criminal justice which maintain such records and which  
23 are reasonably known by either the petitioner or the court to have  
24 possession of such records.

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

27 (a) A crime against a child;

28 (b) A sexual offense;

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

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

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

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

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

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

42 7. The provisions of paragraph (e) of subsection 1 and  
43 paragraph (d) of subsection 6 must not be construed to preclude a  
44 person from being able to petition the court to seal records relating  
45 to a conviction for a violation of NRS 484C.110 or 484C.120



1 pursuant to this section if the person was found guilty of a violation  
2 of NRS 484C.110 or 484C.120 that is punishable pursuant to:

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

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

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

13 9. As used in this section:

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

16 (b) "Sexual offense" means:

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

21 (2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

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

40 (10) Incest pursuant to NRS 201.180.

41 ~~(10)~~ (11) Open or gross lewdness pursuant to NRS  
42 201.210, if punishable as a felony.

43 ~~(11)~~ (12) Indecent or obscene exposure pursuant to NRS  
44 201.220, if punishable as a felony.

45 ~~(12)~~ (13) Lewdness with a child pursuant to NRS 201.230.



1 ~~(13)~~ (14) Sexual penetration of a dead human body  
2 pursuant to NRS 201.450.

3 ~~(14)~~ (15) Sexual conduct between certain employees of a  
4 school or volunteers at a school and a pupil pursuant to  
5 NRS 201.540.

6 ~~(15)~~ (16) Sexual conduct between certain employees of a  
7 college or university and a student pursuant to NRS 201.550.

8 ~~(16)~~ (17) Luring a child or a person with mental illness  
9 pursuant to NRS 201.560, if punishable as a felony.

10 ~~(17)~~ (18) An attempt to commit an offense listed in this  
11 paragraph.

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

13 179D.097 1. "Sexual offense" means any of the following  
14 offenses:

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

19 (b) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

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

37 (j) Incest pursuant to NRS 201.180.

38 ~~(j)~~ (k) Open or gross lewdness pursuant to NRS 201.210.

39 ~~(k)~~ (l) Indecent or obscene exposure pursuant to  
40 NRS 201.220.

41 ~~(l)~~ (m) Lewdness with a child pursuant to NRS 201.230.

42 ~~(m)~~ (n) Sexual penetration of a dead human body pursuant to  
43 NRS 201.450.

44 ~~(n)~~ (o) Sexual conduct between certain employees of a school  
45 or volunteers at a school and a pupil pursuant to NRS 201.540.



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

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

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

6 ~~[(r)]~~ (s) Any other offense that has an element involving a  
7 sexual act or sexual conduct with another.

8 ~~[(s)]~~ (t) An attempt or conspiracy to commit an offense listed in  
9 paragraphs (a) to ~~[(r)]~~ (s), inclusive.

10 ~~[(t)]~~ (u) An offense that is determined to be sexually motivated  
11 pursuant to NRS 175.547 or 207.193.

12 ~~[(u)]~~ (v) An offense committed in another jurisdiction that, if  
13 committed in this State, would be an offense listed in this  
14 subsection. This paragraph includes, without limitation, an offense  
15 prosecuted in:

16 (1) A tribal court.

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

19 ~~[(v)]~~ (w) An offense of a sexual nature committed in another  
20 jurisdiction, whether or not the offense would be an offense listed in  
21 this section, if the person who committed the offense resides or has  
22 resided or is or has been a student or worker in any jurisdiction in  
23 which the person is or has been required by the laws of that  
24 jurisdiction to register as a sex offender because of the offense. This  
25 paragraph includes, without limitation, an offense prosecuted in:

26 (1) A tribal court.

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

29 (3) A court having jurisdiction over juveniles.

30 2. Except for the offenses described in paragraphs ~~[(n)]~~ (o) and  
31 ~~[(o)]~~ (p) of subsection 1, the term does not include an offense  
32 involving consensual sexual conduct if the victim was:

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

35 (b) At least 13 years of age and the offender was not more than  
36 4 years older than the victim at the time of the commission of the  
37 offense.

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

39 179D.495 If a person who is required to register pursuant to  
40 NRS 179D.010 to 179D.550, inclusive, has been convicted of an  
41 offense described in paragraph ~~[(r)]~~ (s) of subsection 1 of NRS  
42 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS  
43 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central  
44 Repository shall determine whether the person is required to register  
45 as a Tier I offender, Tier II offender or Tier III offender.



1       **Sec. 17.** NRS 213.107 is hereby amended to read as follows:  
2       213.107 As used in NRS 213.107 to 213.157, inclusive, unless  
3 the context otherwise requires:

- 4       1. "Board" means the State Board of Parole Commissioners.  
5       2. "Chief" means the Chief Parole and Probation Officer.  
6       3. "Division" means the Division of Parole and Probation of  
7 the Department of Public Safety.  
8       4. "Residential confinement" means the confinement of a  
9 person convicted of a crime to his or her place of residence under  
10 the terms and conditions established by the Board.  
11       5. "Responsivity factors" means characteristics of a person that  
12 affect his or her ability to respond favorably or unfavorably to any  
13 treatment goals.  
14       6. "Risk and needs assessment" means a validated,  
15 standardized actuarial tool that identifies risk factors that increase  
16 the likelihood of a person reoffending and factors that, when  
17 properly addressed, can reduce the likelihood of a person  
18 reoffending.  
19       7. "Sex offender" means any person who has been or is  
20 convicted of a sexual offense.  
21       8. "Sexual offense" means:  
22       (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,  
23 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS  
24 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or  
25 (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS  
26 201.560 ~~§~~ *or paragraph (a) of subsection 1 of section 5 of this*  
27 *act;*  
28       (b) An attempt to commit any offense listed in paragraph (a); or  
29       (c) An act of murder in the first or second degree, kidnapping in  
30 the first or second degree, false imprisonment, burglary or invasion  
31 of the home if the act is determined to be sexually motivated at a  
32 hearing conducted pursuant to NRS 175.547.  
33       9. "Standards" means the objective standards for granting or  
34 revoking parole or probation which are adopted by the Board or the  
35 Chief.

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

37       213.1214 1. The Department of Corrections shall assess each  
38 prisoner who has been convicted of a sexual offense to determine  
39 the prisoner's risk to reoffend in a sexual manner using a currently  
40 accepted standard of assessment. The completed assessment must  
41 include, without limitation, a determination of the prisoner's level of  
42 risk to reoffend in a sexual manner, including, without limitation,  
43 whether the prisoner is a high risk to reoffend in a sexual manner for  
44 the purposes of subsection 3 of NRS 213.1215. The Director shall



1 ensure a completed assessment is provided to the Board before, but  
2 not sooner than 120 days before, a scheduled parole hearing.

3 2. The Director shall:

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

7 (b) Establish a procedure to:

8 (1) Ensure the accuracy of each completed assessment  
9 provided to the Board; and

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

12 3. This section does not create a right in any prisoner to be  
13 assessed or reassessed more frequently than the prisoner's regularly  
14 scheduled parole hearings or under a current or previous standard of  
15 assessment and does not restrict the Department from conducting  
16 additional assessments of a prisoner if such assessments may assist  
17 the Board in determining whether parole should be granted or  
18 continued. No cause of action may be brought against the State, its  
19 political subdivisions, or the agencies, boards, commissions,  
20 departments, officers or employees of the State or its political  
21 subdivisions for assessing, not assessing or considering or relying  
22 on an assessment of a prisoner, if such decisions or actions are made  
23 or conducted in compliance with the procedures set forth in this  
24 section.

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

28 5. The Board may adopt by regulation the manner in which the  
29 Board will consider an assessment prepared pursuant to this section  
30 in conjunction with the standards adopted by the Board pursuant to  
31 NRS 213.10885.

32 6. As used in this section:

33 (a) "Director" means the Director of the Department of  
34 Corrections.

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

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

39 (1) Convicted of a sexual offense; or

40 (2) Adjudicated delinquent or found guilty by a court having  
41 jurisdiction over juveniles of a sexual offense listed in subparagraph  
42 ~~(20)~~ (21) of paragraph (d).

43 ↪ The term includes, but is not limited to, a sexually violent  
44 predator or a nonresident sex offender who is a student or worker  
45 within this State.



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

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

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

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

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

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

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

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

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

(10) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

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

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

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

~~[(19)]~~ (20) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this



1 paragraph. This subparagraph includes, but is not limited to, an  
2 offense prosecuted in:

3 (I) A tribal court.

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

6 ~~{(20)}~~ (21) An offense of a sexual nature committed in  
7 another jurisdiction, whether or not the offense would be an offense  
8 listed in this paragraph, if the person who committed the offense  
9 resides or has resided or is or has been a student or worker in any  
10 jurisdiction in which the person is or has been required by the laws  
11 of that jurisdiction to register as a sex offender because of the  
12 offense. This subparagraph includes, but is not limited to, an offense  
13 prosecuted in:

14 (I) A tribal court.

15 (II) A court of the United States or the Armed Forces of  
16 the United States.

17 (III) A court having jurisdiction over juveniles.

18 ➔ Except for the offenses described in subparagraphs (15) and (16),  
19 the term does not include an offense involving consensual sexual  
20 conduct if the victim was an adult, unless the adult was under the  
21 custodial authority of the offender at the time of the offense, or if  
22 the victim was at least 13 years of age and the offender was not  
23 more than 4 years older than the victim at the time of the  
24 commission of the offense.

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

26 449.160 1. The Division may deny an application for a  
27 license or may suspend or revoke any license issued under the  
28 provisions of NRS 449.029 to 449.2428, inclusive, upon any of the  
29 following grounds:

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

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

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

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

41 (e) Failure of the applicant to obtain written approval from the  
42 Director of the Department of Health and Human Services as  
43 required by NRS 439A.100 or as provided in any regulation adopted  
44 pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to





1 449.531, inclusive, and chapter 449A of NRS if such approval is  
2 required.

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

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

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

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

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

13 (b) Is ordered to but fails to abate a nuisance pursuant to NRS  
14 244.360, 244.3603 or 268.4124; or

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

18 3. The Division shall maintain a log of any complaints that it  
19 receives relating to activities for which the Division may revoke the  
20 license to operate a facility for the dependent pursuant to subsection  
21 2. The Division shall provide to a facility for the care of adults  
22 during the day:

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

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

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

29 ➔ The facility shall make the information available to the public  
30 pursuant to NRS 449.2486.

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

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

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

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

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

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

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



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

10       (a) The Division of Public and Behavioral Health of the  
11 Department of Health and Human Services, if the violation was  
12 committed by a medical facility or medical laboratory.

13       (b) The occupational licensing board responsible for licensing  
14 the provider of health care who oversees an unlicensed health care  
15 facility, if the violation was committed by a health care facility that  
16 is not a medical facility or medical laboratory.

17       3. As used in this section:

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

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

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

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

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

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

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

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

