

Amendment No. 63

Assembly Amendment to Assembly Bill No. 35

(BDR 15-448)

Proposed by: Assembly Committee on Judiciary

Amends: Summary: No Title: Yes 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.



ASSEMBLY BILL NO. 35—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED NOVEMBER 15, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to pornography involving minors. (BDR 15-448)

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; ~~[prohibiting a person from receiving, distributing, producing, possessing or accessing any obscene item or material which contains a depiction of a purported child engaging in sexual conduct, providing that a violation of this prohibition constitutes a sexual offense or a violent or sexual offense for the purposes of various statutes,]~~ establishing the preferred manner of referring to items or materials that depict or describe a minor engaging in certain sexual conduct; ~~[providing a penalty,]~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[In general, existing law prohibits a person from committing certain acts regarding pornography involving minors. (NRS 200.700-200.760) Section 1 of this bill: (1) prohibits a person from receiving, distributing, producing, possessing or accessing any obscene item or material which the person knows or reasonably should know contains a depiction of a purported child engaging in sexual conduct; and (2) provides that a person who violates this prohibition is guilty of a category B felony. Section 1 also defines: (1) the term “depiction of a purported child” for purposes of this prohibition to mean a visual representation that appears to depict an actual child but may or may not depict an actual child; and (2) certain other terms relating to the prohibition. Sections 2-5 of this bill make certain definitions, exemptions and authorizations, which, under existing law, are generally applicable to provisions concerning pornography involving minors, applicable to section 1.~~

~~— Existing law: (1) prohibits a court from deferring judgment on a case if the defendant has been convicted of a violent or sexual offense; (2) sets the maximum period of probation or suspension of sentence for a violent or sexual offense at 60 months; and (3) prohibits the early discharge from probation of a person convicted of a violent or sexual offense. (NRS 176.211, 176A.500, 176A.840, 202.876) Existing law also requires a person to report certain violent or sexual offenses against a child to a law enforcement agency under certain circumstances. (NRS 202.882) Section 6 of this bill makes a violation of section 1 a violent or sexual offense for purposes of these provisions.~~

~~— Existing law prohibits a court from ordering a victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700)~~

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22 Section 7 of this bill applies this prohibition to a victim of or a witness to a violation of
23 section 1.

24 ~~Existing law defines the term "sexual offense" for the purposes of certain provisions~~
25 ~~which prohibit a person convicted of a sexual offense from obtaining certain licenses or~~
26 ~~employment or receiving certain services to include an offense involving pornography and a~~
27 ~~minor. (NRS 62B.270, 62C.223, 424.031, 424.145, 432A.170, 432A.1755, 432B.198,~~
28 ~~432B.199, 433B.183) Sections 8, 12, 13 and 32-37 of this bill revise the list of sexual offenses~~
29 ~~to which these statutory provisions apply to include a violation of section 1.~~

30 ~~Section 9 of this bill requires a district attorney to provide certain documentation to a~~
31 ~~victim of a violation of section 1 and, if the victim is less than 18 years of age, to his or her~~
32 ~~parent or guardian. (NRS 62C.120)~~

33 ~~Section 10 of this bill makes certain restrictions concerning attendance in school which~~
34 ~~are applicable to juveniles who are adjudicated delinquent for committing sexual offenses~~
35 ~~applicable to a juvenile who is adjudicated delinquent for committing a violation of section 1.~~
36 ~~(NRS 62F.100-62F.150) Section 11 of this bill makes certain registration and community~~
37 ~~notification requirements which are applicable to juveniles who are adjudicated delinquent for~~
38 ~~committing sexual offenses applicable to a juvenile who is adjudicated delinquent for~~
39 ~~committing a violation of section 1. (NRS 62F.205-62F.360)~~

40 ~~Under existing law, the fingerprints of a child who is taken into custody for an unlawful~~
41 ~~act that, if committed by an adult, would have been a sexual offense, must be taken, retained~~
42 ~~locally and submitted to the Central Repository for Nevada Records of Criminal History under~~
43 ~~certain circumstances. (NRS 62H.010) Section 14 of this bill makes these requirements~~
44 ~~applicable to a child who is taken into custody for a violation of section 1.~~

45 ~~Existing law requires the Director of the Department of Health and Human Services to~~
46 ~~establish a program to compile and analyze data concerning juvenile sex offenders. (NRS~~
47 ~~62H.320) Existing law also requires the Division of Child and Family Services of the~~
48 ~~Department to: (1) collect certain information concerning each child adjudicated delinquent~~
49 ~~for committing a sexual offense; and (2) provide the information collected by the Division to~~
50 ~~the Director for use in the program. (NRS 62H.210, 62H.220, 62H.320) Sections 15 and 16 of~~
51 ~~this bill add a violation of section 1 to the list of sexual offenses to which these requirements~~
52 ~~apply. Sections 15 and 16 thereby require the Division to collect and provide to the~~
53 ~~Department certain information concerning a child who is adjudicated delinquent for a~~
54 ~~violation of section 1.~~

55 ~~Existing law: (1) requires that a person convicted of certain sexual offenses undergo a~~
56 ~~psychosexual evaluation as part of the presentence investigation report prepared by the~~
57 ~~Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court~~
58 ~~from granting probation to or suspending the sentence of a person convicted of certain sexual~~
59 ~~offenses, unless the person who conducts the psychosexual evaluation certifies that the person~~
60 ~~convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135,~~
61 ~~176A.110) Sections 18 and 19 of this bill add a violation of section 1 to the list of sexual~~
62 ~~offenses that require a psychosexual evaluation to be conducted and for which a court is~~
63 ~~prohibited from granting probation to or suspending the sentence of a person, unless the~~
64 ~~person who conducts the psychosexual evaluation certifies that the person does not represent a~~
65 ~~high risk to reoffend.~~

66 ~~Existing law requires a court that grants probation to or suspends the sentence of certain~~
67 ~~persons convicted of an offense that involved pornography and a minor to order, as a~~
68 ~~condition of probation or suspension, that the person not own or use a computer. (NRS~~
69 ~~176A.413) Section 20 of this bill adds a violation of section 1 to the list of offenses for which~~
70 ~~a court is required to issue such an order. Existing law similarly requires the State Board of~~
71 ~~Parole Commissioners to require that certain persons convicted of an offense that involved~~
72 ~~pornography and a minor not own or use a computer. (NRS 213.1258) Section 26 of this bill~~
73 ~~adds a violation of section 1 to the list of offenses for which the Board is required to impose~~
74 ~~this condition of parole.~~

75 ~~Existing law requires a court to provide certain documentation to certain persons if an~~
76 ~~offender is convicted of certain sexual offenses. (NRS 178.5698) Section 21 of this bill~~
77 ~~requires that such documentation be provided to such persons if an offender is convicted of a~~
78 ~~violation of section 1. Section 22 of this bill makes the provisions of law which prohibit a~~
79 ~~person 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 a violation of section 1. (NRS 179.245)~~

81 ~~Existing law authorizes the Central Repository and its employees to inquire into and~~
82 ~~inspect certain sealed records that constitute information relating to sexual offenses and to~~
83 ~~notify employers of the information in accordance with federal laws and regulations. (NRS~~
84 ~~179.301) Section 23 of this bill revises the list of sexual offenses to which this provision~~
85 ~~applies to include a violation of section 1.~~

86 ~~Existing law defines the term "sexual offense" for the purpose of requiring persons~~
87 ~~convicted of certain sexual offenses to be prohibited from certain employment, to register as a~~
88 ~~sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill~~
89 ~~certain other requirements. (NRS 118A.335, 176.0913, 176A.410, 179D.095, 179D.097,~~
90 ~~179D.441, 213.1099, 213.1245) Section 24 of this bill revises the list of sexual offenses to~~
91 ~~which these statutory provisions apply to include a violation of section 1. Section 25 of this~~
92 ~~bill designates an offender convicted of a violation of section 1 a Tier II offender for the~~
93 ~~purpose of certain requirements relating to registration as a sex offender.~~

94 ~~Sections 27-29 of this bill make a minor who was the victim of a violation of section 1 or~~
95 ~~a parent or guardian of any such minor eligible to apply for compensation from the Fund for~~
96 ~~the Compensation of Victims of Crime for certain expenses and losses. (NRS 217.010-~~
97 ~~217.270))~~

98 **Sections 30 and 31** of this bill establish the preferred manner of referring to items or
99 materials that depict or describe a minor as the subject of a sexual portrayal or engaging in
100 or simulating, or assisting others to engage in or simulate, sexual conduct in the Nevada Revised
101 Statutes and the Nevada Administrative Code. **Sections 6-29 and 32-37 of this bill** make
102 conforming changes to replace words and terms that are not preferred for use in the Nevada
103 Revised Statutes, including the term "child pornography" and various related terms, with the
104 term "child sexual abuse material" in accordance with **section 30**.

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 a new~~
2 ~~section to read as follows:~~

3 ~~1. A person shall not receive, distribute, produce, possess or access in any~~
4 ~~way, with the intent to view, any obscene item or material which he or she knows~~
5 ~~or reasonably should know contains a depiction of a purported child engaging in~~
6 ~~sexual conduct.~~

7 ~~2. Unless a greater penalty is provided in NRS 200.725, a person who~~
8 ~~violates the provisions of subsection 1 is guilty of a category B felony and shall be~~
9 ~~punished by imprisonment in the state prison for a minimum term of not less~~
10 ~~than 1 year and a maximum term of not more than 6 years, and may be further~~
11 ~~punished by a fine of not more than \$5,000.~~

12 ~~3. As used in this section:~~

13 ~~(a) "Child" means a person who is less than 18 years of age.~~

14 ~~(b) "Depiction of a purported child" means a visual representation that~~
15 ~~appears to depict an actual child but may or may not depict an actual child.~~

16 ~~(c) "Obscene" means any item or material which:~~

17 ~~(1) An average person applying contemporary community standards~~
18 ~~would find, taken as a whole, appeals to prurient interest and lacks serious~~
19 ~~literary, artistic, political or scientific value; and~~

20 ~~(2) Depicts sexual conduct in a patently offensive way.] (Deleted by~~
21 ~~amendment.)~~

22 **Sec. 2.** ~~[NRS 200.700 is hereby amended to read as follows:~~

23 ~~200.700 As used in NRS 200.700 to 200.760, inclusive, and section 1 of this~~
24 ~~act, unless the context otherwise requires:~~

25 ~~1. "Performance" means any play, film, photograph, computer generated~~
26 ~~image, electronic representation, dance or other visual presentation.~~

~~2. “Promote” means to produce, direct, procure, manufacture, sell, give, lend, publish, distribute, exhibit, advertise or possess for the purpose of distribution.~~

~~2. “Sexual conduct” means sexual intercourse, lewd exhibition of the genitals, fellatio, cunnilingus, bestiality, anal intercourse, excretion, sado-masochistic abuse, masturbation, or the penetration of any part of a person’s body or of any object manipulated or inserted by a person into the genital or anal opening of the body of another.~~

~~4. “Sexual portrayal” means the depiction of a person in a manner which appeals to the prurient interest in sex and which does not have serious literary, artistic, political or scientific value.] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 200.725 is hereby amended to read as follows:~~

~~200.725 The provisions of NRS 200.710 to 200.730, inclusive, and section 1 of this act do not apply to law enforcement personnel during the investigation or prosecution of a violation of the provisions of NRS 200.710 to 200.730, inclusive [], and section 1 of this act.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 200.740 is hereby amended to read as follows:~~

~~200.740 For the purposes of NRS 200.710 to 200.737, inclusive, and section 1 of this act, to determine whether a person was a minor, the court or jury may:~~

- ~~1. Inspect the person in question;~~
- ~~2. View the performance;~~
- ~~3. Consider the opinion of a witness to the performance regarding the person’s age;~~
- ~~4. Consider the opinion of a medical expert who viewed the performance; or~~
- ~~5. Use any other method authorized by the rules of evidence at common law.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 200.760 is hereby amended to read as follows:~~

~~200.760 All assets derived from or relating to any violation of NRS 200.366, 200.710 to 200.730, inclusive, and section 1 of this act or 201.230 are subject to forfeiture. A proceeding for their forfeiture may be brought pursuant to NRS 179.1156 to 179.1205, inclusive.] (Deleted by amendment.)~~

Sec. 6. NRS 202.876 is hereby amended to read as follows:

202.876 “Violent or sexual offense” means any act that, if prosecuted in this State, would constitute any of the following offenses:

1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.
2. Mayhem pursuant to NRS 200.280.
3. Kidnapping pursuant to NRS 200.310 to 200.340, inclusive.
4. Sexual assault pursuant to NRS 200.366.
5. Robbery pursuant to NRS 200.380.
6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.
7. Battery with intent to commit a crime pursuant to NRS 200.400.
8. Administering a drug or controlled substance to another person with the intent to enable or assist the commission of a felony or crime of violence pursuant to NRS 200.405 or 200.408.
9. False imprisonment pursuant to NRS 200.460 if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.
10. Assault with a deadly weapon pursuant to NRS 200.471.
11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm as described in NRS 200.481 or battery which is committed by strangulation as described in NRS 200.481 or 200.485.

1 12. An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
2 *material* pursuant to NRS 200.710 ~~for 200.720.] to 200.730, inclusive . [and~~
3 ~~section 1 of this act.]~~

4 13. Open or gross lewdness pursuant to NRS 201.210.

5 14. Lewdness with a child pursuant to NRS 201.230.

6 15. An offense involving pandering or sex trafficking in violation of NRS
7 201.300, prostitution in violation of NRS 201.320 or advancing prostitution in
8 violation of NRS 201.395.

9 16. Coercion pursuant to NRS 207.190, if the coercion involves the use or
10 threatened use of force or violence against the victim or the use or threatened use of
11 a firearm or a deadly weapon.

12 17. An attempt, conspiracy or solicitation to commit an offense listed in this
13 section.

14 **Sec. 7.** NRS 50.700 is hereby amended to read as follows:

15 50.700 1. In any criminal or juvenile delinquency action relating to the
16 commission of a sexual offense, a court may not order the victim or of a witness to
17 the sexual offense to take or submit to a psychological or psychiatric examination.

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

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

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

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

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

33 (b) Any corroboration of the offense exists beyond the testimony of the victim
34 or witness.

35 4. If the court determines there is a prima facie showing of a compelling need
36 for an additional psychological or psychiatric examination of the victim or witness,
37 the court shall issue a factual finding that details with particularity the reasons why
38 an additional psychological or psychiatric examination of the victim or witness is
39 warranted.

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

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

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

48 (b) Sexual assault pursuant to NRS 200.366;

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

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

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

1 (f) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 2 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~;~~ ~~to and section 1 of this~~
 3 ~~act;~~

4 (g) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975;

5 (h) Incest pursuant to NRS 201.180;

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

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

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

9 (l) Pandering or sex trafficking of a child pursuant to NRS 201.300;

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

13 (n) An offense involving the administration of a controlled substance to
 14 another person with the intent to enable or assist the commission of a crime of
 15 violence pursuant to NRS 200.408, if the crime of violence is an offense listed in
 16 this section;

17 (o) Sexual penetration of a dead human body pursuant to NRS 201.450;

18 (p) A violation of NRS 201.553;

19 (q) Luring a child or a person with mental illness pursuant to NRS 201.560;

20 (r) Any other offense that has an element involving a sexual act or sexual
 21 conduct with another person; or

22 (s) Any attempt or conspiracy to commit an offense listed in this subsection.

23 **Sec. 8.** NRS 62B.270 is hereby amended to read as follows:

24 62B.270 1. A public institution or agency to which a juvenile court commits
 25 a child or the licensing authority of a private institution to which a juvenile court
 26 commits a child, including, without limitation, a facility for the detention of
 27 children, shall secure from appropriate law enforcement agencies information on
 28 the background and personal history of each employee of the institution or agency
 29 to determine:

30 (a) Whether the employee has been convicted of:

31 (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

32 (2) Any other felony involving the use or threatened use of force or
 33 violence or the use of a firearm or other deadly weapon;

34 (3) Assault with intent to kill or to commit sexual assault or mayhem;

35 (4) Battery which results in substantial bodily harm to the victim;

36 (5) Battery that constitutes domestic violence that is punishable as a
 37 felony;

38 (6) Battery that constitutes domestic violence, other than a battery
 39 described in subparagraph (5), within the immediately preceding 3 years;

40 (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
 41 exposure, an offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 42 *material* or any other sexually related crime;

43 (8) A crime involving pandering or prostitution, including, without
 44 limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other
 45 than a violation of NRS 201.354 or 201.353 by engaging in prostitution;

46 (9) Abuse or neglect of a child, including, without limitation, a violation of
 47 any provision of NRS 200.508 or 200.5083;

48 (10) A violation of any federal or state law regulating the possession,
 49 distribution or use of any controlled substance or any dangerous drug as defined in
 50 chapter 454 of NRS within the immediately preceding 3 years;

51 (11) A violation of any federal or state law prohibiting driving or being in
 52 actual physical control of a vehicle while under the influence of intoxicating liquor
 53 or a controlled substance that is punishable as a felony;

1 (12) A violation of any federal or state law prohibiting driving or being in
2 actual physical control of a vehicle while under the influence of intoxicating liquor
3 or a controlled substance, other than a violation described in subparagraph (11),
4 within the immediately preceding 3 years;

5 (13) Abuse, neglect, exploitation, isolation or abandonment of older
6 persons or vulnerable persons, including, without limitation, a violation of any
7 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other
8 jurisdiction that prohibits the same or similar conduct; or

9 (14) Any offense involving arson, fraud, theft, embezzlement, burglary,
10 robbery, fraudulent conversion, misappropriation of property or perjury within the
11 immediately preceding 7 years; or

12 (b) Whether there are criminal charges pending against the employee for a
13 crime listed in paragraph (a).

14 2. An employee of the public or private institution or agency must submit to
15 the public institution or agency or the licensing authority, as applicable, a complete
16 set of fingerprints and written authorization to forward those fingerprints to the
17 Central Repository for Nevada Records of Criminal History for submission to the
18 Federal Bureau of Investigation for its report.

19 3. The public institution or agency or the licensing authority, as applicable,
20 may exchange with the Central Repository or the Federal Bureau of Investigation
21 any information concerning the fingerprints submitted.

22 4. The public institution or agency or the licensing authority, as applicable,
23 may charge an employee investigated pursuant to this section for the reasonable
24 cost of that investigation.

25 5. When a report from the Federal Bureau of Investigation is received by the
26 Central Repository, the Central Repository shall immediately forward a copy of the
27 report to the public institution or agency or the licensing authority, as applicable,
28 for a determination of whether the employee has criminal charges pending against
29 him or her for a crime listed in paragraph (a) of subsection 1 or has been convicted
30 of a crime listed in paragraph (a) of subsection 1.

31 6. A person who is required to submit to an investigation required pursuant to
32 this section shall not have contact with a child without supervision in a public or
33 private institution or agency to which a juvenile court commits a child, including,
34 without limitation, a facility for the detention of children, before the investigation
35 of the background and personal history of the person has been conducted.

36 7. The public institution or agency or the licensing authority, as applicable,
37 shall conduct an investigation of each employee of the institution or agency
38 pursuant to this section at least once every 5 years after the initial investigation.

39 8. For the purposes of this section, the period during which criminal charges
40 are pending against an employee for a crime listed in paragraph (a) of subsection 1
41 begins when the employee is arrested for such a crime and ends when:

42 (a) A determination is made as to the guilt or innocence of the employee with
43 regard to such a crime at a trial or by a plea; or

44 (b) The prosecuting attorney makes a determination to:

45 (1) Decline charging the employee with a crime listed in paragraph (a) of
46 subsection 1; or

47 (2) Proceed with charges against the employee for only one or more crimes
48 not listed in paragraph (a) of subsection 1.

49 **Sec. 9.** NRS 62C.120 is hereby amended to read as follows:

50 62C.120 1. If a petition filed pursuant to the provisions of this title contains
51 allegations that a child committed an unlawful act which would have been a sexual
52 offense if committed by an adult or which involved the use or threatened use of
53 force or violence against the victim, the district attorney shall provide to the victim

1 and, if the victim is less than 18 years of age, to the parent or guardian of the
 2 victim, as soon as practicable after the petition is filed, documentation that includes:

3 (a) A form advising the victim and the parent or guardian of the victim of their
 4 rights pursuant to the provisions of this title; and

5 (b) The form or procedure that must be used to request disclosure pursuant to
 6 NRS 62D.440.

7 2. As used in this section, "sexual offense" means:

8 (a) Sexual assault pursuant to NRS 200.366;

9 (b) Battery with intent to commit sexual assault pursuant to NRS 200.400;

10 (c) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 11 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~;~~ ~~§ 1, and section 1 of this~~
 12 ~~act;~~

13 (d) Open or gross lewdness pursuant to NRS 201.210;

14 (e) Indecent or obscene exposure pursuant to NRS 201.220;

15 (f) Lewdness with a child pursuant to NRS 201.230;

16 (g) Sexual penetration of a dead human body pursuant to NRS 201.450;

17 (h) Luring a child or person with mental illness pursuant to NRS 201.560, if
 18 punishable as a felony; or

19 (i) An attempt to commit an offense listed in this subsection.

20 **Sec. 10.** NRS 62F.100 is hereby amended to read as follows:

21 62F.100 As used in NRS 62F.100 to 62F.150, inclusive, unless the context
 22 otherwise requires, "sexual offense" means:

23 1. Sexual assault pursuant to NRS 200.366;

24 2. Battery with intent to commit sexual assault pursuant to NRS 200.400;

25 3. An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 26 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~;~~ ~~§ 1, and section 1 of this~~
 27 ~~act;~~

28 4. Open or gross lewdness pursuant to NRS 201.210, if punishable as a
 29 felony;

30 5. Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a
 31 felony;

32 6. Lewdness with a child pursuant to NRS 201.230;

33 7. Sexual penetration of a dead human body pursuant to NRS 201.450;

34 8. Luring a child or person with mental illness pursuant to NRS 201.560, if
 35 punishable as a felony; or

36 9. An attempt to commit an offense listed in this section, if punishable as a
 37 felony.

38 **Sec. 11.** NRS 62F.225 is hereby amended to read as follows:

39 62F.225 1. "Sexual offense" means:

40 (a) Sexual assault pursuant to NRS 200.366;

41 (b) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 42 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~;~~ ~~§ 1, and section 1 of this~~
 43 ~~act;~~

44 (c) Lewdness with a child pursuant to NRS 201.230;

45 (d) An attempt or conspiracy to commit an offense listed in paragraph (a), (b)
 46 or (c), if punishable as a felony;

47 (e) An offense that is determined to be sexually motivated pursuant to NRS
 48 175.547 or 207.193; or

49 (f) An aggravated sexual offense.

50 2. The term does not include an offense involving consensual sexual conduct
 51 if the victim was:

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

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

3 **Sec. 12.** NRS 62G.223 is hereby amended to read as follows:

4 62G.223 1. A department of juvenile justice services shall secure from
5 appropriate law enforcement agencies information on the background and personal
6 history of each applicant for employment with the department of juvenile justice
7 services, and each employee of the department of juvenile justice services, to
8 determine:

9 (a) Whether the applicant or employee has been convicted of:

10 (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;
11 (2) Any felony involving the use or threatened use of force or violence or
12 the use of a firearm or other deadly weapon;

13 (3) Assault with intent to kill or to commit sexual assault or mayhem;

14 (4) Battery which results in substantial bodily harm to the victim;

15 (5) Battery that constitutes domestic violence that is punishable as a
16 felony;

17 (6) Battery that constitutes domestic violence, other than a battery
18 described in subparagraph (5), within the immediately preceding 3 years;

19 (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
20 exposure or an offense involving ~~[pornography and a minor;]~~ **child sexual abuse**
21 **material;**

22 (8) A crime involving pandering or prostitution, including, without
23 limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

24 (9) Abuse or neglect of a child, including, without limitation, a violation of
25 any provision of NRS 200.508 or 200.5083 or contributory delinquency;

26 (10) A violation of any federal or state law regulating the possession,
27 distribution or use of any controlled substance or any dangerous drug as defined in
28 chapter 454 of NRS;

29 (11) A violation of any federal or state law prohibiting driving or being in
30 actual physical control of a vehicle while under the influence of intoxicating liquor
31 or a controlled substance that is punishable as a felony;

32 (12) A violation of any federal or state law prohibiting driving or being in
33 actual physical control of a vehicle while under the influence of intoxicating liquor
34 or a controlled substance, other than a violation described in subparagraph (11),
35 within the immediately preceding 3 years;

36 (13) Abuse, neglect, exploitation, isolation or abandonment of older
37 persons or vulnerable persons, including, without limitation, a violation of any
38 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other
39 jurisdiction that prohibits the same or similar conduct; or

40 (14) Any offense involving arson, fraud, theft, embezzlement, burglary,
41 robbery, fraudulent conversion, misappropriation of property or perjury within the
42 immediately preceding 7 years; or

43 (b) Whether there are criminal charges pending against the applicant or
44 employee for a violation of an offense listed in paragraph (a).

45 2. A department of juvenile justice services shall request information from:

46 (a) The Statewide Central Registry concerning an applicant for employment
47 with the department of juvenile justice services, or an employee of the department
48 of juvenile justice services, to determine whether there has been a substantiated
49 report of child abuse or neglect made against the applicant or employee; and

50 (b) The central registry of information concerning the abuse or neglect of a
51 child established by any other state in which the applicant or employee resided
52 within the immediately preceding 5 years to ensure satisfactory clearance with that
53 registry.

1 3. Each applicant for employment with the department of juvenile justice
2 services, and each employee of the department of juvenile justice services, must
3 submit to the department of juvenile justice services:

4 (a) A complete set of his or her fingerprints and written authorization to
5 forward those fingerprints to the Central Repository for Nevada Records of
6 Criminal History for submission to the Federal Bureau of Investigation for its
7 report; and

8 (b) Written authorization for the department of juvenile justice services to
9 obtain any information that may be available from the Statewide Central Registry
10 or the central registry of information concerning the abuse or neglect of a child
11 established by any other state in which the applicant or employee resided within the
12 immediately preceding 5 years.

13 4. The department of juvenile justice services may exchange with the Central
14 Repository or the Federal Bureau of Investigation any information concerning the
15 fingerprints submitted pursuant to this section.

16 5. When a report from the Federal Bureau of Investigation is received by the
17 Central Repository, the Central Repository shall immediately forward a copy of the
18 report to the department of juvenile justice services for a determination of whether
19 the applicant or employee has criminal charges pending against him or her for a
20 crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed
21 in paragraph (a) of subsection 1.

22 6. A department of juvenile justice services shall conduct an investigation of
23 each employee of the department pursuant to this section at least once every 5 years
24 after the initial investigation.

25 7. As used in this section, "Statewide Central Registry" means the Statewide
26 Central Registry for the Collection of Information Concerning the Abuse or Neglect
27 of a Child established by NRS 432.100.

28 **Sec. 13.** NRS 62G.353 is hereby amended to read as follows:

29 62G.353 1. A department of juvenile justice services shall secure from
30 appropriate law enforcement agencies information on the background and personal
31 history of each applicant for employment with the department of juvenile justice
32 services, and each employee of the department of juvenile justice services, to
33 determine:

34 (a) Whether the applicant or employee has been convicted of:

35 (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

36 (2) Any felony involving the use or threatened use of force or violence or
37 the use of a firearm or other deadly weapon;

38 (3) Assault with intent to kill or to commit sexual assault or mayhem;

39 (4) Battery which results in substantial bodily harm to the victim;

40 (5) Battery that constitutes domestic violence that is punishable as a
41 felony;

42 (6) Battery that constitutes domestic violence, other than a battery
43 described in subparagraph (5), within the immediately preceding 3 years;

44 (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
45 exposure or an offense involving ~~[pornography and a minor;]~~ **child sexual abuse**
46 **material;**

47 (8) A crime involving pandering or prostitution, including, without
48 limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive;

49 (9) Abuse or neglect of a child, including, without limitation, a violation of
50 any provision of NRS 200.508 or 200.5083 or contributory delinquency;

51 (10) A violation of any federal or state law regulating the possession,
52 distribution or use of any controlled substance or any dangerous drug as defined in
53 chapter 454 of NRS;

1 (11) A violation of any federal or state law prohibiting driving or being in
2 actual physical control of a vehicle while under the influence of intoxicating liquor
3 or a controlled substance that is punishable as a felony;

4 (12) A violation of any federal or state law prohibiting driving or being in
5 actual physical control of a vehicle while under the influence of intoxicating liquor
6 or a controlled substance, other than a violation described in subparagraph (11),
7 within the immediately preceding 3 years;

8 (13) Abuse, neglect, exploitation, isolation or abandonment of older
9 persons or vulnerable persons, including, without limitation, a violation of any
10 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other
11 jurisdiction that prohibits the same or similar conduct; or

12 (14) Any offense involving arson, fraud, theft, embezzlement, burglary,
13 robbery, fraudulent conversion, misappropriation of property or perjury within the
14 immediately preceding 7 years; or

15 (b) Whether there are criminal charges pending against the applicant or
16 employee for a violation of an offense listed in paragraph (a).

17 2. A department of juvenile justice services shall request information from:

18 (a) The Statewide Central Registry concerning an applicant for employment
19 with the department of juvenile justice services, or an employee of the department
20 of juvenile justice services, to determine whether there has been a substantiated
21 report of child abuse or neglect made against the applicant or employee; and

22 (b) The central registry of information concerning the abuse or neglect of a
23 child established by any other state in which the applicant or employee resided
24 within the immediately preceding 5 years to ensure satisfactory clearance with that
25 registry.

26 3. Each applicant for employment with the department of juvenile justice
27 services, and each employee of the department of juvenile justice services, must
28 submit to the department of juvenile justice services:

29 (a) A complete set of his or her fingerprints and written authorization to
30 forward those fingerprints to the Central Repository for Nevada Records of
31 Criminal History for submission to the Federal Bureau of Investigation for its
32 report; and

33 (b) Written authorization for the department of juvenile justice services to
34 obtain any information that may be available from the Statewide Central Registry
35 or the central registry of information concerning the abuse or neglect of a child
36 established by any other state in which the applicant or employee resided within the
37 immediately preceding 5 years.

38 4. The department of juvenile justice services may exchange with the Central
39 Repository or the Federal Bureau of Investigation any information concerning the
40 fingerprints submitted pursuant to this section.

41 5. When a report from the Federal Bureau of Investigation is received by the
42 Central Repository, the Central Repository shall immediately forward a copy of the
43 report to the department of juvenile justice services for a determination of whether
44 the applicant or employee has criminal charges pending against him or her for a
45 crime listed in paragraph (a) of subsection 1 or has been convicted of a crime listed
46 in paragraph (a) of subsection 1.

47 6. A department of juvenile justice services shall conduct an investigation of
48 each employee of the department pursuant to this section at least once every 5 years
49 after the initial investigation.

50 7. As used in this section, "Statewide Central Registry" means the Statewide
51 Central Registry for the Collection of Information Concerning the Abuse or Neglect
52 of a Child established by NRS 432.100.

1 **Sec. 14.** NRS 62H.010 is hereby amended to read as follows:

2 62H.010 1. The fingerprints of a child must be taken if the child is in
3 custody for an unlawful act that, if committed by an adult, would have been:

- 4 (a) A felony, gross misdemeanor or sexual offense; or
5 (b) A misdemeanor and the unlawful act involved:

- 6 (1) The use or threatened use of force or violence against the victim; or
7 (2) The possession, use or threatened use of a firearm or a deadly weapon.

8 2. The fingerprints of a child who is in custody but who is not subject to the
9 provisions of subsection 1 may be taken if a law enforcement officer finds latent
10 fingerprints during the investigation of an offense and the officer has reason to
11 believe that the latent fingerprints are those of the child. The officer shall use the
12 fingerprints taken from the child to make an immediate comparison with the latent
13 fingerprints. If the comparison is:

14 (a) Negative, the fingerprint card and other copies of the fingerprints taken
15 may be immediately destroyed or may be retained for future use.

16 (b) Positive, the fingerprint card and other copies of the fingerprints:

17 (1) Must be delivered to the juvenile court for disposition if the child is
18 referred to the juvenile court.

19 (2) May be immediately destroyed or may be retained for future use if the
20 child is not referred to the juvenile court.

21 3. Fingerprints that are taken from a child pursuant to the provisions of this
22 section:

23 (a) May be retained in a local file or a local system for the automatic retrieval
24 of fingerprints if they are retained under special security measures that limit
25 inspection of the fingerprints to law enforcement officers who are conducting
26 criminal investigations. If the child from whom the fingerprints are taken
27 subsequently is not adjudicated delinquent, the parent or guardian of the child or,
28 when the child becomes at least 18 years of age, the child may petition the juvenile
29 court for the removal of the fingerprints from any local file or local system.

30 (b) Must be submitted to the Central Repository if the child is adjudicated
31 delinquent for an unlawful act that would have been a felony or a sexual offense if
32 committed by an adult, and may be submitted to the Central Repository for any
33 other act. Any such fingerprints submitted to the Central Repository must be
34 submitted with a description of the child and the unlawful act, if any, that the child
35 committed. The Central Repository shall retain the fingerprints and information of
36 the child under special security measures that limit inspection of the fingerprints
37 and the information to:

38 (1) Law enforcement officers who are conducting criminal investigations;
39 and

40 (2) Officers and employees of the Central Repository who are assisting law
41 enforcement officers with criminal investigations or who are conducting research or
42 performing a statistical analysis.

43 (c) Must not be submitted to the Federal Bureau of Investigation unless the
44 child is adjudicated delinquent for an unlawful act that would have been a felony or
45 a sexual offense if committed by an adult.

46 4. A child who is in custody must be photographed for the purpose of
47 identification. Except as otherwise provided in this subsection, the photographs of
48 the child must be kept in the file pertaining to the child under special security
49 measures which provide that the photographs may be inspected only to conduct
50 criminal investigations and photographic lineups. If the juvenile court subsequently
51 determines that the child is not delinquent, the juvenile court shall order the
52 photographs to be destroyed.

1 5. Any person who willfully violates any provision of this section is guilty of
2 a misdemeanor.

3 6. As used in this section, “sexual offense” means:

- 4 (a) Sexual assault pursuant to NRS 200.366;
5 (b) Statutory sexual seduction pursuant to NRS 200.368;
6 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
7 (d) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
8 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~;~~ *;* ~~and section 1 of this~~
9 ~~act;~~
10 (e) Incest pursuant to NRS 201.180;
11 (f) Open or gross lewdness pursuant to NRS 201.210;
12 (g) Indecent or obscene exposure pursuant to NRS 201.220;
13 (h) Lewdness with a child pursuant to NRS 201.230;
14 (i) Sexual penetration of a dead human body pursuant to NRS 201.450;
15 (j) Luring a child or person with mental illness pursuant to NRS 201.560, if
16 punishable as a felony;
17 (k) An attempt to commit an offense listed in paragraphs (a) to (j), inclusive; or
18 (l) An offense that is determined to be sexually motivated pursuant to NRS
19 175.547.

20 **Sec. 15.** NRS 62H.220 is hereby amended to read as follows:

21 62H.220 1. For each child adjudicated delinquent for an unlawful act that
22 would have been a sexual offense if committed by an adult, the Division of Child
23 and Family Services shall collect from the juvenile courts, local juvenile probation
24 departments and the staff of the youth correctional services, as directed by the
25 Department of Health and Human Services:

- 26 (a) The information listed in NRS 62H.210;
27 (b) The name of the child; and
28 (c) All information concerning programs of treatment in which the child
29 participated that:
30 (1) Were directly related to the delinquent act committed by the child; or
31 (2) Were designed or utilized to prevent the commission of another such
32 act by the child in the future.

33 2. The Division of Child and Family Services shall provide the information
34 collected pursuant to subsection 1 to the Director of the Department of Health and
35 Human Services for use in the program established pursuant to NRS 62H.300,
36 62H.310 and 62H.320.

37 3. Except as otherwise provided in NRS 239.0115, all information containing
38 the name of the child and all information relating to programs of treatment in which
39 the child participated is confidential and must not be used for a purpose other than
40 that provided for in this section and NRS 62H.320.

41 4. As used in this section, “sexual offense” means:

- 42 (a) Sexual assault pursuant to NRS 200.366;
43 (b) Statutory sexual seduction pursuant to NRS 200.368;
44 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
45 (d) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
46 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~;~~ *;* ~~and section 1 of this~~
47 ~~act;~~
48 (e) Incest pursuant to NRS 201.180;
49 (f) Open or gross lewdness pursuant to NRS 201.210;
50 (g) Indecent or obscene exposure pursuant to NRS 201.220;
51 (h) Lewdness with a child pursuant to NRS 201.230;
52 (i) Sexual penetration of a dead human body pursuant to NRS 201.450;

- 1 (j) Luring a child using a computer, system or network pursuant to NRS
- 2 201.560, if punished as a felony;
- 3 (k) Annoyance or molestation of a minor pursuant to NRS 207.260;
- 4 (l) An attempt to commit an offense listed in paragraphs (a) to (k), inclusive;
- 5 (m) An offense that is determined to be sexually motivated pursuant to NRS
- 6 175.547; or
- 7 (n) An offense committed in another jurisdiction that, if committed in this
- 8 State, would have been an offense listed in this subsection.

9 **Sec. 16.** NRS 62H.310 is hereby amended to read as follows:

10 62H.310 As used in this section and NRS 62H.300 and 62H.320:

11 1. "Juvenile sex offender" means a child adjudicated delinquent for an act

12 that, if committed by an adult, would be a sexual offense.

13 2. "Sexual offense" means:

- 14 (a) Sexual assault pursuant to NRS 200.366;
- 15 (b) Statutory sexual seduction pursuant to NRS 200.368;
- 16 (c) Battery with intent to commit sexual assault pursuant to NRS 200.400;
- 17 (d) An offense involving ~~pornography and a minor~~ *child sexual abuse*
- 18 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~;~~ ~~and section 1 of this~~
- 19 ~~act~~;
- 20 (e) Incest pursuant to NRS 201.180;
- 21 (f) Open or gross lewdness pursuant to NRS 201.210;
- 22 (g) Indecent or obscene exposure pursuant to NRS 201.220;
- 23 (h) Lewdness with a child pursuant to NRS 201.230;
- 24 (i) Sexual penetration of a dead human body pursuant to NRS 201.450;
- 25 (j) Luring a child or a person with mental illness pursuant to NRS 201.560, if
- 26 punished as a felony;
- 27 (k) An attempt to commit an offense listed in paragraphs (a) to (j), inclusive;
- 28 (l) An offense that is determined to be sexually motivated pursuant to NRS
- 29 175.547; or
- 30 (m) An offense committed in another jurisdiction that, if committed in this
- 31 State, would be an offense listed in this subsection.

32 **Sec. 17.** NRS 127.1869 is hereby amended to read as follows:

33 127.1869 1. If the court determines that tribal customary adoption is in the

34 best interests, as described in NRS 125E.230, of a ward who is an Indian child and

35 the Indian child's tribe consents to the tribal customary adoption:

36 (a) The appropriate agency which provides child welfare services shall provide

37 the Indian child's tribe and proposed tribal customary adoptive parents with a

38 written report on the Indian child, including, without limitation, to the extent not

39 otherwise prohibited by state or federal law, the medical background, if known, of

40 the Indian child's parents, and the Indian child's educational information,

41 developmental history and medical background, including all known diagnostic

42 information, current medical reports and any psychological evaluations.

43 (b) The court shall accept a tribal customary adoptive home study conducted

44 by the Indian child's tribe if the home study:

45 (1) Includes federal criminal background checks, including reports of child

46 abuse, that meet the standards applicable under the laws of this State for all other

47 proposed adoptive placements;

48 (2) Uses the prevailing social and cultural standards of the Indian child's

49 tribe as the standards for evaluation of the proposed adoptive placement;

50 (3) Includes an evaluation of the background, safety and health information

51 of the proposed adoptive placement, including the biological, psychological and

52 social factors of the proposed adoptive placement and assessment of the

1 commitment, capability and suitability of the proposed adoptive placement to meet
2 the Indian child's needs; and

3 (4) Except where the proposed adoptive placement is the Indian child's
4 current foster care placement, is completed before the placement of the Indian child
5 in the proposed adoptive placement.

6 (c) Notwithstanding subsection 2, the court may not accept the tribe's order or
7 judgment of tribal customary adoption if any adult living in the proposed adoptive
8 placement has a felony conviction for child abuse or neglect, spousal abuse, crimes
9 against a child, including child ~~pornography,~~ *sexual abuse material*, or a crime
10 involving violence. The Division shall, by regulation, define "crime involving
11 violence" for the purposes of this paragraph. The definition must include rape,
12 sexual assault and homicide, but must not include other physical assault or battery.

13 2. The court shall accept an order or judgment for tribal customary adoption
14 that is filed by the Indian child's tribe if:

15 (a) The court determines that tribal customary adoption is an appropriate
16 permanent placement option for the Indian child;

17 (b) The court finds that the tribal customary adoption is in the Indian child's
18 best interests, as described in NRS 125E.230; and

19 (c) The order or judgment:

20 (1) Includes a description of the modification of the legal relationship of
21 the Indian child's parents or Indian custodian and the Indian child, including any
22 contact between the Indian child and the Indian child's parents or Indian custodian,
23 responsibilities of the Indian child's parents or Indian custodian and the rights of
24 inheritance of the parents and Indian child;

25 (2) Includes a description of the Indian child's legal relationship with the
26 tribe; and

27 (3) Does not include any child support obligation from the Indian child's
28 parents or Indian custodian.

29 ↪ The court shall afford full faith and credit to a tribal customary adoption order or
30 judgment that is accepted under this subsection.

31 3. A tribal customary adoptive parent is not required to file a petition for
32 adoption when the court accepts a tribal customary adoption order or judgment
33 under subsection 2. The clerk of the court may not charge or collect a fee for a
34 proceeding under this subsection.

35 4. After accepting a tribal customary adoption order or judgment under
36 subsection 2, the court that accepted the order or judgment shall proceed as
37 provided in NRS 127.150 and enter an order or decree of adoption. In addition to
38 the requirements under NRS 127.151, the order or decree of adoption must include
39 a statement that any parental rights or obligations not specified in the order or
40 decree are transferred to the tribal customary adoptive parents and a description of
41 any parental rights or duties retained by the Indian child's parents, the rights of
42 inheritance of the parents and Indian child and the Indian child's legal relationship
43 with the child's tribe.

44 5. A tribal customary adoption under this section does not require the consent
45 of the Indian child or the child's parents.

46 6. Upon the court's entry of an order or decree of adoption under this section,
47 the court's jurisdiction over the Indian child terminates.

48 7. Any parental rights or obligations not specifically retained by the Indian
49 child's parents in the order or decree of adoption are conclusively presumed to
50 transfer to the tribal customary adoptive parents.

51 8. This section remains operative only to the extent that compliance with the
52 provisions of this section do not conflict with federal law as a condition of

1 receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ ~~601~~
 2 **670** et seq.

3 9. The Division shall adopt regulations requiring that any report regarding a
 4 ward who is an Indian child that an agency which provides child welfare services
 5 submits to the court, including any home studies, placement reports or other reports
 6 required by law must address tribal customary adoption as a permanency option.
 7 The Supreme Court may adopt rules necessary for the court processes to implement
 8 the provisions of this section, and the Court Administrator may prepare necessary
 9 forms for the implementation of this section.

10 10. As used in this section, “tribal customary adoption” means the adoption of
 11 an Indian child, by and through the tribal custom, traditions or law of the child’s
 12 tribe, and which may be effected without the termination of parental rights.

13 **Sec. 18.** NRS 176.133 is hereby amended to read as follows:

14 176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context
 15 otherwise requires:

16 1. “Person professionally qualified to conduct psychosexual evaluations”
 17 means a person who has received training in conducting psychosexual evaluations
 18 and is:

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

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

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

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

26 (e) A marriage and family therapist licensed in this State pursuant to chapter
 27 641A of NRS; or

28 (f) A clinical professional counselor licensed in this State pursuant to chapter
 29 641A of NRS.

30 2. “Psychosexual evaluation” means an evaluation conducted pursuant to
 31 NRS 176.139.

32 3. “Sexual offense” means:

33 (a) Sexual assault pursuant to NRS 200.366;

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

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

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

39 (e) An offense involving ~~[pornography and a minor]~~ **child sexual abuse**
 40 **material** pursuant to NRS 200.710 to 200.730, inclusive; ~~1, and section 1 of this~~
 41 ~~act;~~

42 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975;

43 (g) Incest pursuant to NRS 201.180;

44 (h) Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

45 (i) Indecent or obscene exposure pursuant to NRS 201.220, if punished as a
 46 felony;

47 (j) Lewdness with a child pursuant to NRS 201.230;

48 (k) Soliciting a child for prostitution pursuant to NRS 201.354;

49 (l) Sexual penetration of a dead human body pursuant to NRS 201.450;

50 (m) Sexual conduct between certain employees of a school or volunteers at a
 51 school and a pupil pursuant to NRS 201.540;

52 (n) Sexual conduct between certain employees of a college or university and a
 53 student pursuant to NRS 201.550;

1 (o) Luring a child or a person with mental illness pursuant to NRS 201.560, if
2 punished as a felony;

3 (p) An attempt to commit an offense listed in paragraphs (a) to (o), inclusive, if
4 punished as a felony; or

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

7 **Sec. 19.** NRS 176A.110 is hereby amended to read as follows:

8 176A.110 1. The court shall not grant probation to or suspend the sentence
9 of a person convicted of an offense listed in subsection 3 unless:

10 (a) If a psychosexual evaluation of the person is required pursuant to NRS
11 176.139, the person who conducts the psychosexual evaluation certifies in the
12 report prepared pursuant to NRS 176.139 that the person convicted of the offense
13 does not represent a high risk to reoffend based upon a currently accepted standard
14 of assessment; or

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

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

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

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

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

33 (c) Battery with intent to commit sexual assault pursuant to 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]~~ **child sexual abuse**
36 **material** pursuant to NRS 200.710 to 200.730, inclusive ~~[, and section 1 of this~~
37 ~~act.]~~

38 (f) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975.

39 (g) Incest pursuant to NRS 201.180.

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

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

42 (j) Soliciting a child for prostitution pursuant to NRS 201.354.

43 (k) Sexual penetration of a dead human body pursuant to NRS 201.450.

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

46 (m) Sexual conduct between certain employees of a college or university and a
47 student pursuant to NRS 201.550.

48 (n) Luring a child or a person with mental illness pursuant to NRS 201.560, if
49 punished as a felony.

50 (o) A violation of NRS 207.180.

51 (p) An attempt to commit an offense listed in paragraphs (b) to (o), inclusive.

52 (q) Coercion or attempted coercion that is determined to be sexually motivated
53 pursuant to NRS 207.193.

1 **Sec. 20.** NRS 176A.413 is hereby amended to read as follows:

2 176A.413 1. Except as otherwise provided in subsection 2, if a defendant is
3 convicted of stalking with the use of an Internet or network site, electronic mail,
4 text messaging or any other similar means of communication pursuant to subsection
5 4 of NRS 200.575, an offense involving ~~[pornography and a minor]~~ **child sexual**
6 **abuse material** pursuant to NRS 200.710 to 200.730, inclusive, ~~[and section 1 of~~
7 ~~this act,]~~ luring a child or a person with mental illness through the use of a
8 computer, system or network pursuant to paragraph (a) or (b) of subsection 4 of
9 NRS 201.560 or a violation of NRS 201.553 which involved the use of an
10 electronic communication device and the court grants probation or suspends the
11 sentence, the court shall, in addition to any other condition ordered pursuant to
12 NRS 176A.400, order as a condition of probation or suspension that the defendant
13 not own or use a computer, including, without limitation, use electronic mail, a chat
14 room or the Internet.

15 2. The court is not required to impose a condition of probation or suspension
16 of sentence set forth in subsection 1 if the court finds that:

17 (a) The use of a computer by the defendant will assist a law enforcement
18 agency or officer in a criminal investigation;

19 (b) The defendant will use the computer to provide technological training
20 concerning technology of which the defendant has a unique knowledge; or

21 (c) The use of the computer by the defendant will assist companies that require
22 the use of the specific technological knowledge of the defendant that is unique and
23 is otherwise unavailable to the company.

24 3. Except as otherwise provided in subsection 1, if a defendant is convicted of
25 an offense that involved the use of a computer, system or network and the court
26 grants probation or suspends the sentence, the court may, in addition to any other
27 condition ordered pursuant to NRS 176A.400, order as a condition of probation or
28 suspension that the defendant not own or use a computer, including, without
29 limitation, use electronic mail, a chat room or the Internet.

30 4. As used in this section:

31 (a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes,
32 without limitation, an electronic communication device.

33 (b) "Electronic communication device" has the meaning ascribed to it in NRS
34 200.737.

35 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

36 (d) "System" has the meaning ascribed to it in NRS 205.476.

37 (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

38 **Sec. 21.** NRS 178.5698 is hereby amended to read as follows:

39 178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon
40 the request of a victim or witness, inform the victim or witness:

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

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

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

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

48 (a) In writing; or

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

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

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

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

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

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

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

8 (1) A form advising the person of the right to be notified pursuant to
 9 subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923,
 10 209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS
 11 213.10915;

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

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

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

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

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

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

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

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

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

29 6. If the offender was convicted of a violation of subsection 3 of NRS
 30 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or
 31 subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of
 32 the prison shall notify:

33 (a) The immediate family of the victim if the immediate family provides their
 34 current address;

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

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

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

44 8. As used in this section:

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

47 (b) "Sexual offense" means:

48 (1) Sexual assault pursuant to NRS 200.366;

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

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

51 (4) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 52 *material* pursuant to NRS 200.710 to 200.730, inclusive ; ~~[, and section 1 of this~~
 53 ~~act.]~~

1 (5) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS
2 200.975;

3 (6) Incest pursuant to NRS 201.180;

4 (7) Open or gross lewdness pursuant to NRS 201.210;

5 (8) Indecent or obscene exposure pursuant to NRS 201.220;

6 (9) Lewdness with a child pursuant to NRS 201.230;

7 (10) Sexual penetration of a dead human body pursuant to NRS 201.450;

8 (11) Sexual conduct between certain employees of a school or volunteers
9 at a school and a pupil pursuant to NRS 201.540;

10 (12) Sexual conduct between certain employees of a college or university
11 and a student pursuant to NRS 201.550;

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

14 (14) An offense that, pursuant to a specific statute, is determined to be
15 sexually motivated; or

16 (15) An attempt to commit an offense listed in this paragraph.

17 **Sec. 22.** NRS 179.245 is hereby amended to read as follows:

18 179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211,
19 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a
20 person may petition the court in which the person was convicted for the sealing of
21 all records relating to a conviction of:

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

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

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

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

33 (e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS
34 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic
35 violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of
36 release from actual custody or from the date when the person is no longer under a
37 suspended sentence, whichever occurs later;

38 (f) Except as otherwise provided in paragraph (e), if the offense is punished as
39 a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS
40 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or
41 extended order for protection, after 2 years from the date of release from actual
42 custody or from the date when the person is no longer under a suspended sentence,
43 whichever occurs later; or

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

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

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

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

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

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

8 (1) Date of birth of the petitioner;

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

10 (3) Date of arrest relating to the specific conviction to which the records to
11 be sealed pertain; and

12 (e) If applicable, include a statement from the petitioner certifying that at the
13 time the crime for which the records to be sealed was committed, the petitioner was
14 being sex trafficked pursuant to NRS 201.300.

15 3. Upon receiving a petition pursuant to this section, the court shall notify the
16 law enforcement agency that arrested the petitioner for the crime and the
17 prosecuting attorney, including, without limitation, the Attorney General, who
18 prosecuted the petitioner for the crime. The prosecuting attorney and any person
19 having relevant evidence may testify and present evidence at any hearing on the
20 petition.

21 4. If the prosecuting agency that prosecuted the petitioner for the crime
22 stipulates to the sealing of the records, the court shall apply the presumption set
23 forth in NRS 179.2445 and seal the records. If the prosecuting agency does not
24 stipulate to the sealing of the records or does not file a written objection within 30
25 days after receiving notification pursuant to subsection 3 and the court makes the
26 findings set forth in subsection 5, the court may order the sealing of the records in
27 accordance with subsection 5 without a hearing. If the court does not order the
28 sealing of the records or the prosecuting agency files a written objection, a hearing
29 on the petition must be conducted. At the hearing, unless an objecting party
30 presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the
31 court shall apply the presumption and seal the records.

32 5. If the court finds that, in the period prescribed in subsection 1, the
33 petitioner has not been charged with any offense for which the charges are pending
34 or convicted of any offense, except for minor moving or standing traffic violations,
35 the court may order sealed all records of the conviction which are in the custody of
36 any agency of criminal justice or any public or private agency, company, official or
37 other custodian of records in the State of Nevada, and may also order all such
38 records of the petitioner returned to the file of the court where the proceeding was
39 commenced from, including, without limitation, the Federal Bureau of Investigation
40 and all other agencies of criminal justice which maintain such records and which
41 are reasonably known by either the petitioner or the court to have possession of
42 such records.

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

45 (a) A crime against a child;

46 (b) A sexual offense;

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

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

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

51 (f) A homicide resulting from driving or being in actual physical control of a
52 vehicle while under the influence of intoxicating liquor or a controlled substance or

1 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
2 484C.430;

3 (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS
4 488.427; or

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

6 7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of
7 subsection 6 must not be construed to preclude a person from being able to petition
8 the court to seal records relating to a conviction for a violation of NRS 484C.110 or
9 484C.120 pursuant to this section if the person was found guilty of a violation of
10 NRS 484C.110 or 484C.120 that is punishable pursuant to:

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

12 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of
13 conviction entered against him or her for a violation of paragraph (b) of subsection
14 1 of NRS 484C.400 because the person participated in the statewide sobriety and
15 drug monitoring program established pursuant to NRS 484C.392.

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

19 9. Notwithstanding any other provision of law, no fee may be charged by any
20 court or agency of criminal justice in this State related to a petition for the sealing
21 of records pursuant to this section if, at the time the crime for which the records to
22 be sealed was committed, the petitioner was being sex trafficked pursuant to NRS
23 201.300. As used in this subsection, "fee" includes, without limitation, any fee to
24 file a petition, obtain fingerprints if provided by a governmental agency of this
25 State, obtain any records of criminal history, obtain records of past arrests and
26 convictions or obtain or certify copies of documents pursuant to NRS 19.013 and
27 any other fee related to the sealing of records pursuant to this section.

28 10. As used in this section:

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

30 (b) "Sexual offense" means:

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

34 (2) Sexual assault pursuant to NRS 200.366.

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

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

38 (5) An offense involving the administration of a drug to another person
39 with the intent to enable or assist the commission of a felony pursuant to NRS
40 200.405, if the felony is an offense listed in this paragraph.

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

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

46 (8) An offense involving ~~[pornography and a minor]~~ **child sexual abuse**
47 **material** pursuant to NRS 200.710 to 200.730, inclusive ~~[, and section 1 of this~~
48 ~~act.]~~

49 (9) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS
50 200.975.

51 (10) Incest pursuant to NRS 201.180.

52 (11) Open or gross lewdness pursuant to NRS 201.210, if punishable as a
53 felony.

1 (12) Indecent or obscene exposure pursuant to NRS 201.220, if punishable
 2 as a felony.

3 (13) Lewdness with a child pursuant to NRS 201.230.

4 (14) Sexual penetration of a dead human body pursuant to NRS 201.450.

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

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

9 (17) Luring a child or a person with mental illness pursuant to NRS
 10 201.560, if punishable as a felony.

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

12 **Sec. 23.** NRS 179A.073 is hereby amended to read as follows:

13 179A.073 1. "Sexual offense" includes acts upon a child constituting:

14 (a) Sexual assault under NRS 200.366;

15 (b) Statutory sexual seduction under NRS 200.368;

16 (c) Use of a minor in producing ~~[pornography]~~ *child sexual abuse material*
 17 under NRS 200.710;

18 (d) Promotion of a sexual performance of a minor under NRS 200.720;

19 (e) Possession of a visual presentation depicting the sexual conduct of a child
 20 under NRS 200.730;

21 (f) Incest under NRS 201.180;

22 (g) Lewdness with a child under NRS 201.230; *or*

23 (h) Luring a child or a person with mental illness pursuant to NRS 201.560, if
 24 punished as a felony ~~or~~

25 ~~(i) A violation of section 1 of this act.~~

26 2. "Sexual offense" also includes acts committed outside the State that would
 27 constitute any of the offenses in subsection 1 if committed in the State, and the
 28 aiding, abetting, attempting or conspiring to engage in any of the offenses in
 29 subsection 1.

30 **Sec. 24.** NRS 179D.097 is hereby amended to read as follows:

31 179D.097 1. "Sexual offense" means any of the following offenses:

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

35 (b) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

47 (h) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 48 *material* pursuant to NRS 200.710 to 200.730, inclusive ~~and section 1 of this~~
 49 ~~act.~~

50 (i) Fertility fraud pursuant to paragraph (a) of subsection 1 of NRS 200.975.

51 (j) Incest pursuant to NRS 201.180.

52 (k) Open or gross lewdness pursuant to NRS 201.210.

53 (l) Indecent or obscene exposure pursuant to NRS 201.220.

- 1 (m) Lewdness with a child pursuant to NRS 201.230.
- 2 (n) Sexual penetration of a dead human body pursuant to NRS 201.450.
- 3 (o) Sexual conduct between certain employees of a school or volunteers at a
- 4 school and a pupil pursuant to NRS 201.540.
- 5 (p) Sexual conduct between certain employees of a college or university and a
- 6 student pursuant to NRS 201.550.
- 7 (q) Luring a child or a person with mental illness pursuant to NRS 201.560, if
- 8 punished as a felony.
- 9 (r) Sex trafficking pursuant to NRS 201.300.
- 10 (s) Any other offense that has an element involving a sexual act or sexual
- 11 conduct with another.
- 12 (t) An attempt or conspiracy to commit an offense listed in paragraphs (a) to
- 13 (s), inclusive.
- 14 (u) An offense that is determined to be sexually motivated pursuant to NRS
- 15 175.547 or 207.193.
- 16 (v) An offense committed in another jurisdiction that, if committed in this
- 17 State, would be an offense listed in this subsection. This paragraph includes,
- 18 without limitation, an offense prosecuted in:
 - 19 (1) A tribal court.
 - 20 (2) A court of the United States or the Armed Forces of the United States.
- 21 (w) An offense of a sexual nature committed in another jurisdiction, whether or
- 22 not the offense would be an offense listed in this section, if the person who
- 23 committed the offense resides or has resided or is or has been a student or worker in
- 24 any jurisdiction in which the person is or has been required by the laws of that
- 25 jurisdiction to register as a sex offender because of the offense. This paragraph
- 26 includes, without limitation, an offense prosecuted in:
 - 27 (1) A tribal court.
 - 28 (2) A court of the United States or the Armed Forces of the United States.
 - 29 (3) A court having jurisdiction over juveniles.
- 30 2. Except for the offenses described in paragraphs (o) and (p) of subsection 1,
- 31 the term does not include an offense involving consensual sexual conduct if the
- 32 victim was:
 - 33 (a) An adult, unless the adult was under the custodial authority of the offender
 - 34 at the time of the offense; or
 - 35 (b) At least 13 years of age and the offender was not more than 4 years older
 - 36 than the victim at the time of the commission of the offense.
- 37 **Sec. 25.** NRS 179D.115 is hereby amended to read as follows:
 - 38 179D.115 “Tier II offender” means an offender convicted of a crime against a
 - 39 child or a sex offender, other than a Tier III offender, whose crime against a child is
 - 40 punishable by imprisonment for more than 1 year or whose sexual offense:
 - 41 1. If committed against a child, constitutes:
 - 42 (a) Luring a child pursuant to NRS 201.560, if punishable as a felony;
 - 43 (b) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual
 - 44 abuse or sexual exploitation;
 - 45 (c) An offense involving sex trafficking pursuant to NRS 201.300 or
 - 46 prostitution pursuant to NRS 201.320 or 201.395;
 - 47 (d) An offense involving ~~[pornography and a minor]~~ *child sexual abuse*
 - 48 *material* pursuant to NRS 200.710 to 200.730, inclusive; ~~;~~ *and section 1 of this*
 - 49 *act;* or
 - 50 (e) Any other offense that is comparable to or more severe than the offenses
 - 51 described in 34 U.S.C. § 20911(3);
 - 52 2. Involves an attempt or conspiracy to commit any offense described in
 - 53 subsection 1;

1 3. If committed in another jurisdiction, is an offense that, if committed in this
2 State, would be an offense listed in this section. This subsection includes, without
3 limitation, an offense prosecuted in:

- 4 (a) A tribal court; or
5 (b) A court of the United States or the Armed Forces of the United States; or

6 4. Is committed after the person becomes a Tier I offender if any of the
7 person's sexual offenses constitute an offense punishable by imprisonment for more
8 than 1 year.

9 **Sec. 26.** NRS 213.1258 is hereby amended to read as follows:

10 213.1258 1. Except as otherwise provided in subsection 2, if the Board
11 releases on parole a prisoner convicted of stalking with the use of an Internet or
12 network site, electronic mail, text messaging or any other similar means of
13 communication pursuant to subsection 4 of NRS 200.575, an offense involving
14 ~~[pornography and a minor]~~ **child sexual abuse material** pursuant to NRS 200.710
15 to 200.730, inclusive, ~~[and section 1 of this act,]~~ luring a child or a person with
16 mental illness through the use of a computer, system or network pursuant to
17 paragraph (a) or (b) of subsection 4 of NRS 201.560 or a violation of NRS 201.553
18 which involved the use of an electronic communication device, the Board shall, in
19 addition to any other condition of parole, require as a condition of parole that the
20 parolee not own or use a computer, including, without limitation, use electronic
21 mail, a chat room or the Internet.

22 2. The Board is not required to impose a condition of parole set forth in
23 subsection 1 if the Board finds that:

24 (a) The use of a computer by the parolee will assist a law enforcement agency
25 or officer in a criminal investigation;

26 (b) The parolee will use the computer to provide technological training
27 concerning technology of which the defendant has a unique knowledge; or

28 (c) The use of the computer by the parolee will assist companies that require
29 the use of the specific technological knowledge of the parolee that is unique and is
30 otherwise unavailable to the company.

31 3. Except as otherwise provided in subsection 1, if the Board releases on
32 parole a prisoner convicted of an offense that involved the use of a computer,
33 system or network, the Board may, in addition to any other condition of parole,
34 require as a condition of parole that the parolee not own or use a computer,
35 including, without limitation, use electronic mail, a chat room or the Internet.

36 4. As used in this section:

37 (a) "Computer" has the meaning ascribed to it in NRS 205.4735 and includes,
38 without limitation, an electronic communication device.

39 (b) "Electronic communication device" has the meaning ascribed to it in NRS
40 200.737.

41 (c) "Network" has the meaning ascribed to it in NRS 205.4745.

42 (d) "System" has the meaning ascribed to it in NRS 205.476.

43 (e) "Text messaging" has the meaning ascribed to it in NRS 200.575.

44 **Sec. 27.** NRS 217.050 is hereby amended to read as follows:

45 217.050 "Personal injury" means:

46 1. Actual bodily harm or threat of bodily harm which results in a need for
47 medical treatment;

48 2. In the case of a minor who was involved in the production of
49 ~~[pornography]~~ **child sexual abuse material** in violation of NRS 200.710, 200.720,
50 200.725 ~~[,]~~ or 200.730 ~~[, for section 1 of this act,]~~ any harm which results in a need
51 for medical treatment or any psychological or psychiatric counseling, or both;

52 3. Any harm which results from sexual abuse; or

53 4. Any harm which results from a violation of NRS 200.5099 or 200.50995.

1 **Sec. 28.** NRS 217.070 is hereby amended to read as follows:

2 217.070 1. “Victim” means a person who suffers direct or threatened
3 physical, financial or psychological harm as a result of the commission of a crime,
4 including, without limitation:

5 (a) A person who is injured or killed as the direct result of a criminal act;

6 (b) A minor who was involved in the production of ~~[pornography]~~ **child sexual**
7 **abuse material** in violation of NRS 200.710, 200.720, 200.725 ~~or~~ or 200.730 ; ~~for~~
8 ~~section 1 of this act;~~

9 (c) A minor who was sexually abused, as “sexual abuse” is defined in NRS
10 432B.100;

11 (d) A person who is physically injured or killed as the direct result of a
12 violation of NRS 484C.110 or any act or neglect of duty punishable pursuant to
13 NRS 484C.430 or 484C.440;

14 (e) A pedestrian who is physically injured or killed as the direct result of a
15 driver of a motor vehicle who failed to stop at the scene of a crash involving the
16 driver and the pedestrian in violation of NRS 484E.010;

17 (f) An older person or a vulnerable person who is abused, neglected, exploited,
18 isolated or abandoned in violation of NRS 200.5099 or 200.50995;

19 (g) A person who is physically injured or killed as the direct result of an act of
20 international terrorism as defined in 18 U.S.C. § 2331(1);

21 (h) A person who is trafficked in violation of subsection 2 of NRS 201.300;

22 (i) A veteran who experienced an act of sexual assault while serving on active
23 duty, active duty for training or inactive duty training;

24 (j) A person who is subjected to facilitating sex trafficking in violation of
25 subsection 1 of NRS 201.301; or

26 (k) A person who is an immediate family member of a victim who:

27 (1) Is a minor;

28 (2) Is physically or mentally incompetent; or

29 (3) Was killed.

30 2. The term includes any person who was harmed by an act listed in
31 subsection 1, regardless of whether:

32 (a) The person is a resident of this State, a citizen of the United States or is
33 lawfully entitled to reside in the United States; or

34 (b) The act was committed by an adult or a minor.

35 **Sec. 29.** NRS 217.100 is hereby amended to read as follows:

36 217.100 1. Except as otherwise provided in subsection 5, any person
37 eligible for compensation under the provisions of NRS 217.010 to 217.270,
38 inclusive, may apply to the Director for such compensation not later than 24 months
39 after the injury or death for which compensation is claimed or, for a person who is a
40 victim of sex trafficking or facilitating sex trafficking, not later than 60 months
41 after the injury or death for which compensation is claimed, unless waived by the
42 Director or a person designated by the Director for good cause shown, and the
43 personal injury or death was the result of an incident or offense that was reported to
44 the police within 5 days of its occurrence or, if the incident or offense could not
45 reasonably have been reported within that period, within 5 days of the time when a
46 report could reasonably have been made.

47 2. An order for the payment of compensation must not be made unless the
48 application is made within the time set forth in subsection 1.

49 3. Where the person entitled to make application is:

50 (a) A minor, the application may be made on his or her behalf by a parent or
51 guardian.

52 (b) Mentally incapacitated, the application may be made on his or her behalf by
53 a parent, guardian or other person authorized to administer his or her estate.

1 4. The applicant must submit with his or her application the reports, if
2 reasonably available, from all physicians who, at the time of or subsequent to the
3 victim's injury or death, treated or examined the victim in relation to the injury for
4 which compensation is claimed.

5 5. The limitations upon payment of compensation established in subsection 1
6 do not apply to a minor who is sexually abused or who is involved in the production
7 of ~~pornography~~ *child sexual abuse material*. Such a minor must apply for
8 compensation before reaching 21 years of age.

9 6. As used in this section:

10 (a) "Facilitating sex trafficking" means a violation of NRS 201.301.

11 (b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

12 **Sec. 30.** NRS 220.125 is hereby amended to read as follows:

13 220.125 1. The Legislative Counsel shall, to the extent practicable, ensure
14 that persons with physical, mental or cognitive disabilities are referred to in Nevada
15 Revised Statutes using language that is commonly viewed as respectful and
16 sentence structure that refers to the person before referring to his or her disability as
17 follows:

18 (a) Words and terms that are preferred for use in Nevada Revised Statutes
19 include, without limitation, "persons with disabilities," "persons with mental
20 illness," "persons with developmental disabilities," "persons with intellectual
21 disabilities" and other words and terms that are structured in a similar manner.

22 (b) Words and terms that are not preferred for use in Nevada Revised Statutes
23 include, without limitation, "disabled," "handicapped," "mentally disabled,"
24 "mentally ill," "mentally retarded" and other words and terms that tend to equate
25 the disability with the person.

26 2. The Legislative Counsel shall, to the extent practicable, ensure that terms
27 related to persons affected by addictive disorders are referred to in Nevada Revised
28 Statutes using language that is commonly viewed as respectful and sentence
29 structure that refers to the person before referring to his or her disorder as follows:

30 (a) Words and terms that are preferred for use in Nevada Revised Statutes
31 include, without limitation, "addictive disorder," "persons with addictive
32 disorders," "person with an addictive disorder," "person with an addictive disorder
33 related to gambling" and "substance use disorder."

34 (b) Words and terms that are not preferred for use in Nevada Revised Statutes
35 include, without limitation, "addict," "alcoholic," "alcohol abuse," "alcohol
36 abuser," "alcohol and drug abuser," "drug abuse," "drug addict," "problem
37 gambler," "substance abuse" and "substance abuser."

38 3. The Legislative Counsel shall, to the extent practicable, ensure that terms
39 related to persons with mental illness are referred to in Nevada Revised Statutes
40 using language that is commonly viewed as respectful and sentence structure that
41 refers to the person before referring to his or her illness as follows:

42 (a) Words and terms that are preferred for use in Nevada Revised Statutes
43 include, without limitation, "persons with mental illness" and other words and
44 terms that are structured in a similar manner.

45 (b) Words and terms that are not preferred for use in Nevada Revised Statutes
46 include, without limitation, "insane" and "insanity."

47 4. The Legislative Counsel shall, to the extent practicable, ensure that terms
48 related to persons who are deaf or hard of hearing are referred to in Nevada Revised
49 Statutes using language that is commonly viewed as respectful and sentence
50 structure that refers to the person before referring to his or her condition. Words
51 and terms that are not preferred for use in Nevada Revised Statutes include, without
52 limitation, "deaf and dumb."

53 5. The Legislative Counsel shall, to the extent practicable, ensure that:

1 (a) Terms related to persons living with the human immunodeficiency virus are
2 referred to in Nevada Revised Statutes using language that is commonly viewed as
3 respectful and sentence structure that refers to the person before referring to the
4 human immunodeficiency virus as follows:

5 (1) Words and terms that are preferred for use in Nevada Revised Statutes
6 include, without limitation, “person living with the human immunodeficiency
7 virus” and “person diagnosed with the human immunodeficiency virus.”

8 (2) Words and terms that are not preferred for use in Nevada Revised
9 Statutes include, without limitation, “HIV positive” and “human immunodeficiency
10 virus positive.”

11 (b) The human immunodeficiency virus is referred to in Nevada Revised
12 Statutes using language that refers only to the human immunodeficiency virus or
13 HIV rather than using duplicative references to both the human immunodeficiency
14 virus or HIV and acquired immunodeficiency syndrome, acquired immune
15 deficiency syndrome or AIDS.

16 (c) Duplicative references to both communicable diseases and the human
17 immunodeficiency virus or HIV are not used in Nevada Revised Statutes.

18 **6. *The Legislative Counsel shall, to the extent practicable, ensure that terms***
19 ***related to items or materials that depict or describe a minor as the subject of a***
20 ***sexual portrayal or engaging in or simulating, or assisting others to engage in or***
21 ***simulate, sexual conduct are referred to in Nevada Revised Statutes using***
22 ***language that is commonly viewed as respectful and sentence structure which***
23 ***clearly indicates that a minor depicted or described in any such item or material***
24 ***is a victim as follows:***

25 (a) ***Words and terms that are preferred in Nevada Revised Statutes include,***
26 ***without limitation, “child sexual abuse material” and words and terms that are***
27 ***structured in a similar manner.***

28 (b) ***Words and terms that are not preferred for use in Nevada Revised***
29 ***Statutes include, without limitation, “child pornography.”***

30 **Sec. 31.** NRS 233B.062 is hereby amended to read as follows:

31 233B.062 1. It is the policy of this State that every regulation of an agency
32 be made easily accessible to the public and expressed in clear and concise language.
33 To assist in carrying out this policy:

34 (a) The Attorney General must develop guidelines for drafting regulations; and

35 (b) Every permanent regulation must be incorporated, excluding any forms
36 used by the agency, any publication adopted by reference, the title, any signature
37 and other formal parts, in the Nevada Administrative Code, and every emergency or
38 temporary regulation must be distributed in the same manner as the Nevada
39 Administrative Code.

40 2. It is the policy of this State that:

41 (a) Persons with physical, mental or cognitive disabilities and persons living
42 with the human immunodeficiency virus are to be referred to in the Nevada
43 Administrative Code using language that is commonly viewed as respectful and
44 sentence structure that refers to the person before referring to the person’s disability
45 or the human immunodeficiency virus, as applicable;

46 (b) Terms related to persons affected by addictive disorders are referred to in
47 the Nevada Administrative Code using language that is commonly viewed as
48 respectful and sentence structure that refers to the person before referring to his or
49 her disorder;

50 (c) Terms related to persons with mental illness are referred to in the Nevada
51 Administrative Code using language that is commonly viewed as respectful and
52 sentence structure that refers to the person before referring to his or her illness;

1 (d) Terms related to persons who are deaf or hard of hearing are referred to in
2 the Nevada Administrative Code using language that is commonly viewed as
3 respectful and sentence structure that refers to the person before referring to his or
4 her condition; ~~and~~

5 (e) References to only the human immunodeficiency virus or HIV should be
6 used in the Nevada Administrative Code instead of duplicative references to both
7 human immunodeficiency virus or HIV and acquired immunodeficiency syndrome,
8 acquired immune deficiency syndrome or AIDS ~~and~~; **and**

9 ***(f) Terms related to items or materials that depict or describe a minor as the
10 subject of a sexual portrayal or engaging in or simulating, or assisting others to
11 engage in or simulate, sexual conduct are referred to in the Nevada
12 Administrative Code using language that is commonly viewed as respectful and
13 sentence structure which clearly indicates that a minor depicted or described in
14 any such item or material is a victim,***

15 **in the same manner as provided in NRS 220.125 for Nevada Revised Statutes.**

16 3. The Legislative Counsel shall:

17 (a) Include each permanent regulation in the Nevada Administrative Code; and

18 (b) Distribute in the same manner as the Nevada Administrative Code each
19 emergency or temporary regulation,

20 **that is required to be adopted pursuant to the provisions of this chapter and
21 which is adopted by an entity other than an agency.**

22 4. The Legislative Commission may authorize inclusion in the Nevada
23 Administrative Code of the regulations of an agency otherwise exempted from the
24 requirements of this chapter.

25 **Sec. 32.** NRS 424.031 is hereby amended to read as follows:

26 424.031 1. The licensing authority or a person or entity designated by the
27 licensing authority shall obtain from appropriate law enforcement agencies
28 information on the background and personal history of each applicant for a license
29 to conduct a foster home, person who is licensed to conduct a foster home,
30 employee of that applicant or licensee, and resident of a foster home who is 18
31 years of age or older, other than a resident who remains under the jurisdiction of a
32 court pursuant to NRS 432B.594, to determine whether the person investigated has
33 been arrested for, has charges pending for or has been convicted of:

34 (a) Murder, voluntary manslaughter or mayhem;

35 (b) Any other felony involving the use or threatened use of force or violence
36 against the victim or the use of a firearm or other deadly weapon;

37 (c) Assault with intent to kill or to commit sexual assault or mayhem;

38 (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
39 exposure or any other sexually related crime or a felony relating to prostitution;

40 (e) Abuse or neglect of a child or contributory delinquency;

41 (f) A violation of any federal or state law regulating the possession,
42 distribution or use of any controlled substance or any dangerous drug as defined in
43 chapter 454 of NRS;

44 (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or
45 vulnerable persons, including, without limitation, a violation of any provision of
46 NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that
47 prohibits the same or similar conduct;

48 (h) Any offense involving fraud, theft, embezzlement, burglary, robbery,
49 fraudulent conversion or misappropriation of property within the immediately
50 preceding 7 years;

51 (i) Any offense relating to ~~pornography involving minors,~~ **child sexual abuse**
52 **material**, including, without limitation, a violation of any provision of NRS

1 200.700 to 200.760, inclusive, ~~and section 1 of this act~~ or a law of any other
2 jurisdiction that prohibits the same or similar conduct;

3 (j) Prostitution, solicitation, lewdness or indecent exposure, or any other
4 sexually related crime that is punishable as a misdemeanor, within the immediately
5 preceding 7 years;

6 (k) A crime involving domestic violence that is punishable as a felony;

7 (l) A crime involving domestic violence that is punishable as a misdemeanor,
8 within the immediately preceding 7 years;

9 (m) A criminal offense under the laws governing Medicaid or Medicare, within
10 the immediately preceding 7 years;

11 (n) Any offense involving the sale, furnishing, purchase, consumption or
12 possession of alcoholic beverages by a minor including, without limitation, a
13 violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a
14 vehicle under the influence of alcohol or a controlled substance in violation of
15 chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or
16 similar conduct, within the immediately preceding 7 years; or

17 (o) An attempt or conspiracy to commit any of the offenses listed in this
18 subsection within the immediately preceding 7 years.

19 2. A licensing authority or a person or entity designated by the licensing
20 authority may conduct an investigation of the background and personal history of a
21 person who is 18 years of age or older who routinely supervises a child in a foster
22 home in the same manner as described in subsection 1.

23 3. The licensing authority or its approved designee may charge each person
24 investigated pursuant to this section for the reasonable cost of that investigation.

25 4. Unless a preliminary Federal Bureau of Investigation Interstate
26 Identification Index name-based check of the records of criminal history has been
27 conducted pursuant to NRS 424.039, a person who is required to submit to an
28 investigation pursuant to subsection 1 shall not have contact with a child in a foster
29 home without supervision before the investigation of the background and personal
30 history of the person has been conducted.

31 5. The licensing authority or its designee:

32 (a) Shall conduct an investigation of each licensee, employee and resident
33 pursuant to this section at least once every 5 years after the initial investigation; and

34 (b) May conduct an investigation of any person who is 18 years of age or older
35 who routinely supervises a child in a foster home at such times as it deems
36 appropriate.

37 **Sec. 33.** NRS 424.145 is hereby amended to read as follows:

38 424.145 1. The licensing authority or a person designated by the licensing
39 authority shall obtain from appropriate law enforcement agencies information on
40 the background and personal history of each applicant for or holder of a license to
41 conduct a foster care agency and each owner, member of the governing body,
42 employee, paid consultant, contractor, volunteer or vendor of that applicant or
43 licensee who may come into direct contact with a child placed by the foster care
44 agency, to determine whether the person investigated has been arrested for, has
45 charges pending for or has been convicted of:

46 (a) Murder, voluntary manslaughter or mayhem;

47 (b) Any other felony involving the use or threatened use of force or violence
48 against the victim or the use of a firearm or other deadly weapon;

49 (c) Assault with intent to kill or to commit sexual assault or mayhem;

50 (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
51 exposure or any other sexually related crime or a felony relating to prostitution;

52 (e) Abuse or neglect of a child or contributory delinquency;

1 (f) A violation of any federal or state law regulating the possession,
2 distribution or use of any controlled substance or any dangerous drug as defined in
3 chapter 454 of NRS;

4 (g) Abuse, neglect, exploitation, isolation or abandonment of older persons or
5 vulnerable persons, including, without limitation, a violation of any provision of
6 NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that
7 prohibits the same or similar conduct;

8 (h) Any offense involving fraud, theft, embezzlement, burglary, robbery,
9 fraudulent conversion or misappropriation of property within the immediately
10 preceding 7 years;

11 (i) Any offense relating to ~~{pornography involving minors,}~~ **child sexual abuse**
12 ~~{materials,}~~ **material**, including, without limitation, a violation of any provision of
13 NRS 200.700 to 200.760, inclusive, ~~{and section 1 of this act}~~ or a law of any other
14 jurisdiction that prohibits the same or similar conduct;

15 (j) Prostitution, solicitation, lewdness or indecent exposure, or any other
16 sexually related crime that is punishable as a misdemeanor, within the immediately
17 preceding 7 years;

18 (k) A crime involving domestic violence that is punishable as a felony;

19 (l) A crime involving domestic violence that is punishable as a misdemeanor,
20 within the immediately preceding 7 years;

21 (m) A criminal offense under the laws governing Medicaid or Medicare, within
22 the immediately preceding 7 years;

23 (n) Any offense involving the sale, furnishing, purchase, consumption or
24 possession of alcoholic beverages by a minor, including, without limitation, a
25 violation of any provision of NRS 202.015 to 202.067, inclusive, or driving a
26 vehicle under the influence of alcohol or a controlled substance in violation of
27 chapter 484C of NRS or a law of any other jurisdiction that prohibits the same or
28 similar conduct, within the immediately preceding 7 years; or

29 (o) An attempt or conspiracy to commit any of the offenses listed in this
30 subsection within the immediately preceding 7 years.

31 2. Unless a preliminary Federal Bureau of Investigation Interstate
32 Identification Index name-based check of the records of criminal history has been
33 conducted pursuant to NRS 424.039, a person who is required to submit to an
34 investigation pursuant to this section shall not have contact with a child in a foster
35 home without supervision before the investigation of the background and personal
36 history of the person is completed.

37 3. The licensing authority or its designee shall conduct an investigation of
38 each holder of a license to conduct a foster care agency and each owner, member of
39 a governing body, employee, paid consultant, contractor, volunteer or vendor who
40 may come into direct contact with a child placed by the foster care agency pursuant
41 to this section at least once every 5 years after the initial investigation.

42 **Sec. 34.** NRS 432.150 is hereby amended to read as follows:

43 432.150 As used in NRS 432.150 to 432.220, inclusive, unless the context
44 otherwise requires:

45 1. "Clearinghouse" means the program established by the Attorney General
46 pursuant to NRS 432.170.

47 2. "Director" means the Director of the Clearinghouse.

48 3. "Exploited child" means a person under the age of 18 years who has been:

49 (a) Used in the production of ~~{pornography}~~ **child sexual abuse material** in
50 violation of the provisions of NRS 200.710 ~~{-}~~ **to 200.730, inclusive ; - and section**
51 ~~1 of this act;~~

52 (b) Subjected to sexual exploitation as defined in NRS 432B.110; or

1 (c) Employed or exhibited in any injurious, immoral or dangerous business or
2 occupation in violation of the provisions of NRS 609.210.

3 4. "Missing child" means a person under the age of 18 years who has run
4 away or is otherwise missing from the lawful care, custody and control of a parent
5 or guardian.

6 **Sec. 35.** NRS 432A.170 is hereby amended to read as follows:

7 432A.170 1. The Division may, upon receipt of an application for a license
8 to operate a child care facility, conduct an investigation into the:

9 (a) Buildings or premises of the facility and, if the application is for an outdoor
10 youth program, the area of operation of the program;

11 (b) Qualifications and background of the applicant or the employees of the
12 applicant;

13 (c) Method of operation for the facility; and

14 (d) Policies and purposes of the applicant.

15 2. Subject to the provisions of subsection 7, the Division shall secure from
16 appropriate law enforcement agencies information on the background and personal
17 history of every applicant, licensee, operator of a small child care establishment,
18 employee of an applicant, licensee or small child care establishment, resident of a
19 child care facility or small child care establishment who is 18 years of age or older,
20 other than a resident who remains under the jurisdiction of a court pursuant to NRS
21 432B.594, or participant in an outdoor youth program who is 18 years of age or
22 older, to determine whether the person has been convicted of:

23 (a) Murder, voluntary manslaughter or mayhem;

24 (b) Any other felony involving the use of a firearm or other deadly weapon;

25 (c) Assault with intent to kill or to commit sexual assault or mayhem;

26 (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
27 exposure or any other sexually related crime;

28 (e) Any crime against a child, including, without limitation, abuse, neglect or
29 endangerment of a child, contributory delinquency or ~~pornography involving a~~
30 ~~minor;~~ *child sexual abuse material;*

31 (f) Arson;

32 (g) Assault;

33 (h) Battery, including, without limitation, battery which constitutes domestic
34 violence;

35 (i) Kidnapping;

36 (j) Any offense relating to the possession or use of any controlled substance or
37 any dangerous drug as defined in chapter 454 of NRS within the immediately
38 preceding 5 years;

39 (k) Any offense relating to the distribution or manufacture of any controlled
40 substance or any dangerous drug as defined in chapter 454 of NRS, including,
41 without limitation, possession of a controlled substance for the purpose of sale;

42 (l) Abuse, neglect, exploitation, isolation or abandonment of older persons or
43 vulnerable persons, including, without limitation, a violation of any provision of
44 NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that
45 prohibits the same or similar conduct;

46 (m) Any offense involving fraud, theft, embezzlement, burglary, robbery,
47 fraudulent conversion or misappropriation of property within the immediately
48 preceding 7 years;

49 (n) A crime that constitutes domestic violence pursuant to NRS 33.018;

50 (o) A violation of NRS 484C.430; or

51 (p) A violation of NRS 484C.110 or 484C.120 within the immediately
52 preceding 5 years.

1 3. Subject to the provisions of subsection 7, the Division shall request
2 information concerning every applicant, licensee, operator of a small child care
3 establishment, employee of an applicant, licensee or small child care establishment,
4 resident of a child care facility or small child care establishment who is 18 years of
5 age or older, other than a resident who remains under the jurisdiction of a court
6 pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18
7 years of age or older, from:

8 (a) The Central Repository for Nevada Records of Criminal History for its
9 report concerning a conviction in this State of any of the crimes set forth in
10 subsection 2 and for submission to the Federal Bureau of Investigation for its report
11 pursuant to NRS 432A.175; and

12 (b) The Statewide Central Registry for the Collection of Information
13 Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100
14 to determine whether there has been a substantiated report of child abuse or neglect
15 made against any of them.

16 4. The Division may charge each person investigated pursuant to this section
17 for the reasonable cost of that investigation.

18 5. The information required to be obtained pursuant to subsections 2 and 3
19 must be requested concerning an:

20 (a) Employee of an applicant, licensee or small child care establishment,
21 resident of a child care facility or small child care establishment who is 18 years of
22 age or older, other than a resident who remains under the jurisdiction of a court
23 pursuant to NRS 432B.594, or participant in an outdoor youth program who is 18
24 years of age or older for an initial background check not later than 3 days after the
25 employee is hired, the residency begins or the participant begins participating in the
26 program and before the employee, resident or participant has direct contact with
27 any child at the child care facility, and then at least once every 5 years thereafter.

28 (b) Applicant at the time that an application is submitted for licensure, and then
29 at least once every 5 years after the license is issued.

30 (c) Operator of a small child care establishment before the operator begins
31 operating the establishment, and then at least once every 5 years after the
32 establishment begins operating.

33 6. A person who is required to submit to an investigation required pursuant to
34 this section shall not have contact with a child in a child care facility without
35 supervision before the investigation of the background and personal history of the
36 person has been conducted.

37 7. The provisions of subsections 2, 3 and 5 apply to a small child care
38 establishment and an operator of a small child care establishment if the operator of
39 such an establishment has applied or registered with the Division of Welfare and
40 Supportive Services of the Department pursuant to NRS 432A.1756.

41 **Sec. 36.** NRS 432B.198 is hereby amended to read as follows:

42 432B.198 1. An agency which provides child welfare services shall secure
43 from appropriate law enforcement agencies information on the background and
44 personal history of each applicant for employment with the agency, and each
45 employee of the agency, to determine:

46 (a) Whether the applicant or employee has been convicted of:

47 (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

48 (2) Any other felony involving the use or threatened use of force or
49 violence or the use of a firearm or other deadly weapon;

50 (3) Assault with intent to kill or to commit sexual assault or mayhem;

51 (4) Battery which results in substantial bodily harm to the victim;

52 (5) Battery that constitutes domestic violence that is punishable as a
53 felony;

1 (6) Battery that constitutes domestic violence, other than a battery
2 described in subparagraph (5), within the immediately preceding 3 years;

3 (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
4 exposure, an offense involving ~~[pornography and a minor]~~ *child sexual abuse*
5 *material* or any other sexually related crime;

6 (8) A crime involving pandering or prostitution, including, without
7 limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other
8 than a violation of NRS 201.354 by engaging in prostitution;

9 (9) Abuse or neglect of a child, including, without limitation, a violation of
10 any provision of NRS 200.508 or 200.5083;

11 (10) A violation of any federal or state law regulating the possession,
12 distribution or use of any controlled substance or any dangerous drug as defined in
13 chapter 454 of NRS within the immediately preceding 3 years;

14 (11) A violation of any federal or state law prohibiting driving or being in
15 actual physical control of a vehicle while under the influence of intoxicating liquor
16 or a controlled substance that is punishable as a felony;

17 (12) A violation of any federal or state law prohibiting driving or being in
18 actual physical control of a vehicle while under the influence of intoxicating liquor
19 or a controlled substance, other than a violation described in subparagraph (11),
20 within the immediately preceding 3 years;

21 (13) Abuse, neglect, exploitation, isolation or abandonment of older
22 persons or vulnerable persons, including, without limitation, a violation of any
23 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other
24 jurisdiction that prohibits the same or similar conduct; or

25 (14) Any offense involving arson, fraud, theft, embezzlement, burglary,
26 robbery, fraudulent conversion, misappropriation of property or perjury within the
27 immediately preceding 7 years; or

28 (b) Whether there are criminal charges pending against the applicant or
29 employee for a crime listed in paragraph (a).

30 2. An agency which provides child welfare services shall request information
31 from:

32 (a) The Statewide Central Registry concerning an applicant for employment
33 with the agency, or an employee of the agency, to determine whether there has been
34 a substantiated report of child abuse or neglect made against the applicant or
35 employee; and

36 (b) The central registry of information concerning the abuse or neglect of a
37 child established by any other state in which the applicant or employee resided
38 within the immediately preceding 5 years to ensure satisfactory clearance with that
39 registry.

40 3. Each applicant for employment with an agency which provides child
41 welfare services, and each employee of an agency which provides child welfare
42 services, must submit to the agency:

43 (a) A complete set of his or her fingerprints and written authorization to
44 forward those fingerprints to the Central Repository for Nevada Records of
45 Criminal History for submission to the Federal Bureau of Investigation for its
46 report; and

47 (b) Written authorization for the agency to obtain any information that may be
48 available from the Statewide Central Registry or the central registry of information
49 concerning the abuse or neglect of a child established by any other state in which
50 the applicant or employee resided within the immediately preceding 5 years.

51 4. An agency which provides child welfare services may exchange with the
52 Central Repository or the Federal Bureau of Investigation any information
53 concerning the fingerprints submitted pursuant to this section.

1 5. When a report from the Federal Bureau of Investigation is received by the
2 Central Repository, the Central Repository shall immediately forward a copy of the
3 report to the agency which provides child welfare services for a determination of
4 whether the applicant or employee has criminal charges pending against him or her
5 for a crime listed in paragraph (a) of subsection 1 or has been convicted of a crime
6 listed in paragraph (a) of subsection 1.

7 6. An agency which provides child welfare services shall conduct an
8 investigation of each employee of the agency pursuant to this section at least once
9 every 5 years after the initial investigation.

10 7. For the purposes of this section, the period during which criminal charges
11 are pending against an applicant or employee for a crime listed in paragraph (a) of
12 subsection 1 begins when the applicant or employee is arrested for such a crime and
13 ends when:

14 (a) A determination is made as to the guilt or innocence of the applicant or
15 employee with regard to such a crime at a trial or by a plea; or

16 (b) The prosecuting attorney makes a determination to:

17 (1) Decline charging the applicant or employee with a crime listed in
18 paragraph (a) of subsection 1; or

19 (2) Proceed with charges against the applicant or employee for only one or
20 more crimes not listed in paragraph (a) of subsection 1.

21 8. As used in this section, "Statewide Central Registry" means the Statewide
22 Central Registry for the Collection of Information Concerning the Abuse or Neglect
23 of a Child established by NRS 432.100.

24 **Sec. 37.** NRS 433B.183 is hereby amended to read as follows:

25 433B.183 1. A division facility which provides residential treatment to
26 children shall secure from appropriate law enforcement agencies information on the
27 background and personal history of each employee of the facility to determine:

28 (a) Whether the employee has been convicted of:

29 (1) Murder, voluntary manslaughter, involuntary manslaughter or mayhem;

30 (2) Any other felony involving the use or threatened use of force or
31 violence or the use of a firearm or other deadly weapon;

32 (3) Assault with intent to kill or to commit sexual assault or mayhem;

33 (4) Battery which results in substantial bodily harm to the victim;

34 (5) Battery that constitutes domestic violence that is punishable as a
35 felony;

36 (6) Battery that constitutes domestic violence, other than a battery
37 described in subparagraph (5), within the immediately preceding 3 years;

38 (7) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
39 exposure, an offense involving ~~[pornography and a minor]~~ **child sexual abuse**
40 **material** or any other sexually related crime;

41 (8) A crime involving pandering or prostitution, including, without
42 limitation, a violation of any provision of NRS 201.295 to 201.440, inclusive, other
43 than a violation of NRS 201.354 by engaging in prostitution;

44 (9) Abuse or neglect of a child, including, without limitation, a violation of
45 any provision of NRS 200.508 or 200.5083;

46 (10) A violation of any federal or state law regulating the possession,
47 distribution or use of any controlled substance or any dangerous drug as defined in
48 chapter 454 of NRS within the immediately preceding 3 years;

49 (11) A violation of any federal or state law prohibiting driving or being in
50 actual physical control of a vehicle while under the influence of intoxicating liquor
51 or a controlled substance that is punishable as a felony;

52 (12) A violation of any federal or state law prohibiting driving or being in
53 actual physical control of a vehicle while under the influence of intoxicating liquor

1 or a controlled substance, other than a violation described in subparagraph (11),
2 within the immediately preceding 3 years;

3 (13) Abuse, neglect, exploitation, isolation or abandonment of older
4 persons or vulnerable persons, including, without limitation, a violation of any
5 provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other
6 jurisdiction that prohibits the same or similar conduct; or

7 (14) Any offense involving arson, fraud, theft, embezzlement, burglary,
8 robbery, fraudulent conversion, misappropriation of property or perjury within the
9 immediately preceding 7 years; or

10 (b) Whether there are criminal charges pending against the employee for a
11 crime listed in paragraph (a).

12 2. An employee must submit to the Division a complete set of fingerprints
13 and written authorization to forward those fingerprints to the Central Repository for
14 Nevada Records of Criminal History for submission to the Federal Bureau of
15 Investigation for its report.

16 3. The Division may exchange with the Central Repository or the Federal
17 Bureau of Investigation any information concerning the fingerprints submitted.

18 4. The Division may charge an employee investigated pursuant to this section
19 for the reasonable cost of that investigation.

20 5. When a report from the Federal Bureau of Investigation is received by the
21 Central Repository, the Central Repository shall immediately forward a copy of the
22 report to the Division for a determination of whether the employee has criminal
23 charges pending against him or her for a crime listed in paragraph (a) of subsection
24 1 or has been convicted of a crime listed in paragraph (a) of subsection 1.

25 6. An employee who is required to submit to an investigation required
26 pursuant to this section shall not have contact with a child in a division facility
27 without supervision before the investigation of the background and personal history
28 of the employee has been conducted.

29 7. The division facility shall conduct an investigation of each employee
30 pursuant to this section at least once every 5 years after the initial investigation.

31 8. For the purposes of this section, the period during which criminal charges
32 are pending against an employee for a crime listed in paragraph (a) of subsection 1
33 begins when the employee is arrested for such a crime and ends when:

34 (a) A determination is made as to the guilt or innocence of the employee with
35 regard to such a crime at a trial or by a plea; or

36 (b) The prosecuting attorney makes a determination to:

37 (1) Decline charging the employee with a crime listed in paragraph (a) of
38 subsection 1; or

39 (2) Proceed with charges against the employee for only one or more crimes
40 not listed in paragraph (a) of subsection 1.

41 **Sec. 38.** This act becomes effective upon passage and approval.