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An Assessment of proposed sex offender mobility and residency restrictions in Nevada

Samantha Dawn Beecher

University of Nevada, Las Vegas

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AN ASSESSMENT OF PROPOSED SEX OFFENDER MOBILITY
AND RESIDENCY RESTRICTIONS IN NEVADA

by

Samantha Dawn Beecher

Bachelor of Arts
University of Nevada, Las Vegas
2007

A thesis submitted in partial fulfillment
of the requirements for the

Master of Arts Degree in Criminal Justice
Department of Criminal Justice
Greenspun College of Urban Affairs

Graduate College
University of Nevada, Las Vegas
May 2009
UMI Number: 1472398

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The Thesis prepared by

Samantha Dawn Beecher

Entitled

An Assessment of Proposed Sex Offender Mobility and Residency Restrictions in Nevada

is approved in partial fulfillment of the requirements for the degree of

Master of Arts in Criminal Justice

Examination Committee Chair

Dean of the Graduate College

Examination Committee Member

Examination Committee Member

Graduate College Faculty Representative
ABSTRACT

An Assessment of Proposed Sex Offender Mobility and Residency Restrictions in Nevada

by

Samantha Dawn Beecher

Dr. Tamara D. Madensen, Examination Committee Chair
Assistant Professor of Criminal Justice
University of Nevada, Las Vegas

This research explores the impact of sex offender exclusion zones and residency restrictions proposed by Nevada Senate Bill 471. This law would prohibit sex offenders from being within 500 feet of places where children congregate and living within 1,000 feet of these places. Analyses conducted using Geographic Information Systems demonstrate the degree to which offender mobility, housing, employment, and access to social services may be restricted should the law be adopted and enforced. Data are also used to assess the potential impact of the law on victimization patterns. Policy implications, data limitations, and suggestions for future research are discussed.
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In addition, I could not have done this without my fellow grad school buddies who knew exactly what I was going through and provided nothing but support. I would especially like to thank Bridget, without your connections I would have never been able to complete this project.

And last but certainly not least, I would like to thank my family. Mom and Dad, you have no idea how much I appreciate your endless love and understanding. Suzanne, without you to pick me up and dust me off, I couldn’t have done this. You have no idea how much I love and appreciate you.
CHAPTER ONE

INTRODUCTION

In recent years, federal laws concerning sex offenders have been created with the intention of protecting society, in particular children. In addition to these federal policies, many states have started adopting various residency restrictions as well as loitering restriction statutes. These laws have been created to remove the most serious convicted sex offenders from places where children congregate in an attempt to prevent sex offenses against juveniles.

Many studies have already analyzed the impact of residency restrictions on sex offenders. However, what is missing from many of the studies is how a complete exclusion zone would affect offender mobility and reintegration. This study will focus on how proposed residency restrictions and exclusion zones,\(^1\) in Las Vegas, Nevada, may impact sex offenders’ mobility, housing options, employment, and victimization patterns. A sex offender law has been proposed in Nevada that would prohibit the most serious sex offenders and those with a high-risk of recidivism from living within 1,000 feet of places

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\(^1\) The phrase loitering zone is used interchangeably with exclusion zone throughout this study. Nevada’s attempt to prevent offenders from being in or near places where children congregate most closely resembles the loitering restrictions adopted by other states. However, Nevada’s law, like Oklahoma’s law, appears to be more restrictive than traditional loitering laws. The terminology used in the Nevada statute is that offenders cannot “knowingly be” within 500 feet of places where children congregate.
where children congregate and would forbid offenders from being within 500 feet of these places.

These types of restrictions are becoming more popular throughout the United States. As many have noted, one of the major problems with residency restriction laws is they can create problems with available housing. If offenders cannot find a place of residence, a potential outcome is homelessness. Some offenders might go into hiding or refuse to register. If the offenders cannot be monitored, the bigger problem becomes the supervision of these serious offenders to ensure public safety. In addition, exclusion laws that prohibit offenders from loitering near high-risk areas may have the unintended consequence of restricting offender mobility to the point that offenders cannot travel within city-limits without being in violation. This means they would not be able to work, engage in legitimate, non-criminal activities, or seek support or social services in the city. To date, loitering restriction laws have not been studied to assess their impact on offender reintegration or mobility.

Because there has not been research analyzing the impact of loitering restriction zones on sex offenders, this research will contribute to what we know about the impact of restriction laws on sex offender reintegration. This study will also reexamine the hypothesis that sex offender residency statutes significantly impact offenders’ ability to find available housing – an important component of successful reintegration. In addition, this study will test the underlying premise of loitering restrictions by determining whether sex offenses against juveniles frequently take place near locations where children gather.
Overview of Research

This study begins with a synopsis of the existing national sex offender laws and the residency restriction laws currently enforced throughout the United States. At present, there are five federal sex offender laws in the United States that intend to protect children by requiring that (1) certain sex offenders register with the proper authorities, (2) states disclose certain information to the public about sex offenders, and (3) states maintain national registries. Residency laws, recent legislation focused on loitering restrictions, and theoretical explanations for the use of these restrictions are discussed in Chapter 2. This is followed by an overview of the recent literature that has examined the effectiveness of residency restrictions and the impact of these laws on sex offenders.

Current sex offender laws in Nevada and information regarding the proposed law are also examined. Chapter 2 concludes with a discussion of the present study’s significance and research questions that will be examined.

Chapter 3 provides a description of the methodology proposed to explore the research questions. An overview of the general research design is presented. The types and sources of secondary data collected for this research, including data obtained from police agencies, the City of Las Vegas, and Clark County, are described in detail. Chapter 3 concludes with the specific methods of analysis used in this study.

Chapter 4 provides the results of the analyses. The characteristics of restricted locations are explored and findings concerning the potential impact on sex offender mobility, residency, employment, access to services, and victimization patterns are presented. Geographic Information Systems software is used to conduct spatial analysis and provide a visual display of the proposed restrictions.
Chapter 5 provides a discussion of policy implications that stem from the analyses. A review of the study limitations are provided along with suggestions for future research. This chapter concludes with a general discussion of the research findings.
Since the mid-1990s many federal laws and amendments to these laws have been enacted to protect children from sexual predators. The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program (1994), Megan's Law (1996), the Pam Lyncher Sexual Offender Tracking and Identification Act (1996), the Prosecutorial Remedies and Other Tools to End the Exploitation of Children Today Act (the PROTECT Act) (2003), and the Adam Walsh Child Protection and Safety Act (2006), have been created to protect children from convicted sex offenders.

The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program was signed into law in 1994 as part of the Federal Violent Crime Control and Law Enforcement Act of 1994. In 1989, Jacob Wetterling, an 11-year-old boy, was riding his bike with his brother and a friend in Minnesota. On their ride home from a convenience store, a masked man with a gun stopped the boys and asked them their ages. Two of the boys, Trevor Wetterling and a friend, were told to run or else they would be shot (Authorities Search, 1989). Jacob Wetterling has never been found.
The Wetterling Act requires that sex offenders convicted of a sexually violent offense against a minor register their current address for offenses that are defined as a "criminal offense against a victim who is a minor". These offenses include:

Kidnapping of a minor, except by parent; false imprisonment of a minor, except by parent; criminal sexual conduct toward a minor; solicitation of a minor to engage in sexual conduct; use of a minor in a sexual performance; solicitation of a minor to practice prostitution; any conduct that by its nature is a sexual offense against a minor; production or distribution of child pornography (see United States Congress § 14071).

Convicted sexually violent offenders must register with the State when released from prison, paroled, are under supervised release, or are on probation. The offenders must inform the State if they change their residence or if they move to another state. They must also have their fingerprints and photograph on file with the State.

The Wetterling Act also sets forth a requirement for length of registration. Sex offenders must comply with the Act until 10 years after they were released from prison or placed on parole, supervised release, or probation; or for life if they have one or more convictions for the above mentioned crimes; have been convicted of an aggravated offense listed above; or have been defined as a sexually violent predator (see United States Congress § 14071).

There are four major amendments to the Wetterling Act: Megan's Law and the Pam Lynch Sexual Offender Tracking and Identification Act of 1996; provisions in the General Provisions of Title 1 of the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1998 (CJSA); and the Campus Sex Crimes Prevention Act of 2000.

In July 1994, Megan Kanka, a 7-year-old girl, was invited into a neighbor's house to see his puppy in Hamilton Township, New Jersey. The neighbor was a twice-convicted
pedophile named Jesse Timmendequas. Timmendequas strangled Megan with a belt and then sexually assaulted her (Suspect Confessed, 1994). The next day her body was discovered in a local park (Man Charged, 1994). Megan’s Law requires states to create a community notification system. Under this amendment, states are required to release information to the public about specific persons that are required to register (see United States Congress § 13071).

In 1996, Pam Lyncher, a real estate agent, was preparing to show a home to a potential buyer. However, waiting for her at the house was a twice-convicted felon who proceeded to viciously assault her. Her husband showed up to the house and saved her life. Upon recovering from the attack, she formed a group called “Justice for All,” a victims rights advocacy group (Bureau of Justice Assistance, n.d.). The Pam Lyncher Act requires that offenders convicted of a particularly serious offense and recidivists be subjected to lifetime registration (Department of Justice, 1998).

The CJSA included raising the registration requirements for sexually violent offenders. A court makes the decision if an offender is a sexually violent offender. The court makes its decision after hearing the suggestion of a board composed of specialists in the behavior and treatment of sex offenders, victims’ rights promoters, and representatives of law enforcement agencies. Under CJSA, sexually violent offenders must now provide, in their initial registration information, their name, any identifying factors, their anticipated future residence, their offense history, and documentation of any treatment received for a mental abnormality or personality disorder (Department of Justice, 1998). The CJSA requires that federal and military authorities inform state and local law enforcement and registration agencies concerning the release or ensuing
movement to their areas of federal and military sex offenders. Federal sex offenders must notify the proper registration agencies of where they work, live, or go to school. This is a mandatory requirement of probation, parole, and post imprisonment supervised release. This Act also requires that states accept registration information from nonresident workers and students that do not live in the state but must enter the state for work and/or school. And finally, the CJS Act requires that states participate in the National Sex Offender Registry. States must submit certain information about the registered sex offenders to the Federal Bureau of Investigation. This information includes: the name by which the person is registered, the registering agency's name and location, the date that the person registered, and the date that the registration will expire (Department of Justice, 1998).

The Campus Sex Crimes Prevention Act requires sex offenders to report whether they are enrolled or employed at an institution of higher education and to report this information to a law enforcement agency whose jurisdiction includes said institution (United States Department of Education, 2002).

The PROTECT Act established the AMBER Alert Program. The ABMER Alert Program began in 1996. Dallas-Fort Worth broadcasters and local police developed the early warning system. AMBER stands for “America's Missing: Broadcast Emergency Response” (Office of Justice Programs, n.d.). This system was created in response to the kidnapping and subsequent killing of 9-year-old Amber Hagerman while she was out riding her bike in Arlington, Texas. This Act requires that states use grant money to provide changeable message signs or some other motorist notification system to inform motorists in the event of an abduction of a child. This Act also toughens laws against those offenders who travel abroad to prey on children (sex tourism). In addition, the
PROTECT Act provides federal penalties for offenders that would harm children. The penalty for non-family member child abduction is a minimum of 20 years in prison, the penalty for sexual exploitation of children and child pornography for the first offense is 15 to 30 years, a “two strikes” provision was added which requires a life imprisonment sentence for those offenders that commit two serious sexual abuse offenses against a child, and finally, a second provision was added which addresses the rate of “downward departures,” which is when judges sentence offenders to less time in jail than the Sentencing Guidelines state (Department of Justice, 2003). This Act gives the judiciary less authority to give reduced sentences. The PROTECT Act eliminates the ability for a judge to reduce a defendants’ sentence based on “diminished capacity,” “aberrant behavior,” and “family and community ties” (Department of Justice, 2003).

The Adam Walsh Child Protection and Safety Act of 2006 is meant to replace the Wetterling Act. It was signed into law July 27, 2006. On July 27, 1981, Adam Walsh, a 6-year-old boy, and his mother were shopping at a department store near their home. He asked if he could play a video game with several other children in the store. She agreed and after leaving him for less than ten minutes, she returned to find her son missing. After searching the store alone for hours, the police were called. Fliers with Adam’s face were distributed throughout the local area. Sixteen days after Adam disappeared, his body was found and identified (National Center for Missing & Exploited Children, 2008).

Title 1 of the Adam Walsh Act (Sex Offender Registration and Notification Act, or SORNA), is intended to be a replacement of the Jacob Wetterling Act and its ensuing amendments (McPherson, 2007). Because there were sex offenders with previous convictions that were not under the list of offenses that required registration, Congress
revised the federal requirements for registration so that those offenders with prior convictions would have to register. These revisions are finalized in SORNA. The Adam Walsh Act also established a federal felony offense category for sex offenders failing to register as required by SORNA. The Act also instituted a new baseline for states to follow when organizing and enforcing their registries. However, their registries can have more stringent requirements. The following paragraph outlines the new registration requirements. All jurisdictions are required to be in compliance with the SORNA standards no later than July 27, 2009 (McPherson, 2007). However, Harris (2008) reported that as of December 8, 2008, many states had not begun to modify their sex offender laws to be in compliance with SORNA. He found that “fiscal and legal realities” played an important part in the states moving toward compliance and that the successful incorporation of SORNA guidelines into state legislature may be uncertain if not unfeasible.

SORNA creates three classification levels, or “Tiers,” of sex offenders. Tier I sex offenders are convicted of the “least serious” offense and are required to register for 15 years. They must renew their registration once a year. A Tier I sex offender classification includes misdemeanor and felony offenses that do not fall under a higher Tier. If a Tier I sex offender commits a second offense, regardless if the second offense is a misdemeanor or an offense that would not be considered a Tier II offense, the offender will then be classified as a Tier II offender. Tier II sex offenders are required to register for 25 years and must renew their registration every six months. Tier II sex offenders are those offenders, with no prior convictions, convicted of a state’s felony crime. These felony crimes include those offenses involving: the use of a minor for prostitution; minors and
sexual contact; minors in a sexual performance; and the production or distribution of child pornography. In addition, if this is a Tier II sex offender's second offense, the offender will then be classified as a Tier III sex offender. Tier III sex offenders are required to be registered for life and they have to renew their registration every three months. Tier III sex offenses are those punishable by more than one-year imprisonment and are similar to the following offenses: "sexual acts with another by force or threat; engaging in a sex act with another who has been rendered unconscious or involuntarily drugged, or who is otherwise incapable of appraising the nature of the conduct or declining to participate; sexual acts with a child under the age of 12; and non-parental kidnapping of a minor" (McPherson, 2007, p. 2).

In addition to changes in the National Sex Offender Registry, the Adam Walsh Act increased federal penalties for sex crimes against children. Mandatory minimum sentences were imposed for crimes such as sex trafficking of children and child prostitution (see United States Congress § 16901). The Act also established the regional Internet Crimes Against Children Taskforces, which gave funding and training to state and local law enforcement to combat crimes against minors on the Internet. And finally, the Adam Walsh Act also protects children entering foster care and eligible for adoption. The Adam Walsh Act requires that adoptive and foster parents have background checks before they are approved to take custody of the child (see United States Congress § 16901). These background checks will verify if the adoptive or foster care parent is in the National Crime Information Databases or if they are in the Child Abuse Registries (see United States Congress § 16091).
Residency Restriction Laws in America

There are currently no federal provisions for residency restrictions in the United States. However, many states have started to create statutes to address location of residence and location of employment. Currently there are 28 states that employ some type of residency and/or employment restriction (table 1). The most limiting of these restrictions is 2,000 feet. There are four states that currently enforce a 2,000-foot restriction: Alabama, Arkansas, California, and Iowa. The least restrictive of these restrictions is 100 – 500 feet. There are currently six states that use a restriction within that range: Wisconsin (100 – 250 feet), Oklahoma (300 feet), and Idaho, Illinois, Nebraska, and South Dakota all with a 500-foot restriction zone.

The Theoretical Implications of Restricting Offender Mobility and Increasing Community Awareness

Laws such as the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program (1994), Megan’s Law (1996), the Pam Lyncher Sexual Offender Tracking and Identification Act (1996), the PROTECT Act (2003), and the Adam Walsh Child Protection and Safety Act (2006) helped to create national registries and community notification statutes. Their goal is to increase community awareness by giving the public access to information on the nation’s most serious sexual offenders.

Nevada’s residency restriction and exclusion zones were proposed in an effort to restrict offender mobility to reduce the likelihood of recidivism. Environmental criminology can be used to suggest why these types of laws could help to prevent crime. There are three theories that explain how restriction laws may work to reduce victimization.
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<td>Ala. Code § 15-20-26</td>
<td>Sex offenders may not live or work within 2,000 feet of a school or child care facility</td>
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<td>Arizona</td>
<td>A.R.S. § 13-3727</td>
<td>Level 3 sex offenders and offenders that have committed dangerous crimes against children may not live within 1,000 feet of a school, childcare facility</td>
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<td>Arkansas</td>
<td>Ark. Stat. Ann. § 5-14-128</td>
<td>A level 3 or 4 sex offender cannot live within 2,000 feet of a public or nonpublic school, a public park, a youth center, or a day care facility</td>
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<td>California</td>
<td>W &amp; I Code § 6608.5</td>
<td>A registrant cannot live within 2,000 feet of a public or nonpublic school or a park where children congregate</td>
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<td>Penal Code § 3003.5</td>
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<td>Florida</td>
<td>Fla. Stat. § 947.1405</td>
<td>A sex offender with a victim that was under the age of 18 cannot live within 1,000 feet of a school, day care center, park, playground, public school bus stop, or other place where children regularly congregate</td>
</tr>
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<td>Georgia</td>
<td>O.C.G.A. § 42-1-15</td>
<td>A sex offender cannot reside, work or volunteer within 1,000 feet of any child care facility, church, school, or other area where children congregate</td>
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<td>As Amended by Senate Bill 1 (2008)</td>
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<tr>
<td>Idaho</td>
<td>Idaho Code § 18-8329</td>
<td>A sex offender who is currently registered or who is required to register cannot live within 500 feet of a school or school property</td>
</tr>
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<td>Illinois</td>
<td>Ill. Comp. Stat. Ann. § 5/11-9.3</td>
<td>A child sex offender cannot reside within 500 feet of a school or school property, playground, child care institution, day care center, part day child care facility, or a facility providing programs or services exclusively directed towards persons under 18</td>
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<td>Indiana</td>
<td>Indiana Code Supp. § 11-13-3-4</td>
<td>A violent sex offender cannot live within 1,000 feet of a school, public park, or youth program center</td>
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<tr>
<td>State</td>
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<tr>
<td>Iowa</td>
<td>Iowa Code § 692.2A</td>
<td>A sex offender cannot live within 2,000 feet of a public or nonpublic elementary school, secondary school, or a child care facility</td>
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<tr>
<td>Kentucky</td>
<td>Ky. Rev. Stat. § 17.545</td>
<td>A sex offender cannot live within 1,000 feet of a high school, middle school, elementary school, preschool, publicly owned playground, or a licensed day care facility</td>
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<tr>
<td>Louisiana</td>
<td>La. Rev. Stat. § 14:91.1</td>
<td>A sexually violent predator cannot live within 1,000 feet of a public or nonpublic elementary school, a secondary school, a public park, a recreation area, day care facility, playground, a public or private youth center, public swimming pool, or a free standing video arcade center</td>
</tr>
<tr>
<td>Michigan</td>
<td>Mich. Comp. Laws § 28.733 and § 28.735</td>
<td>A registered sex offender cannot live or work within 1,000 feet of a &quot;school safety zone&quot; (a school or school property)</td>
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<td>Minnesota</td>
<td>Minn. Stat. § 244.052</td>
<td>If the end-of-confinement review committee assigns a sex offender as a Level III offender, the committee determines if the offender has to follow the residency restriction</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Miss. Code Ann. § 45-33-25</td>
<td>A sex offender required to register cannot live within 1,500 feet of a public or nonpublic elementary school or secondary school, child care facility, residential child-caring agency, a children’s group care home, or any playground, ball park, or other recreational facility utilized by persons under the age of 18</td>
</tr>
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<td>Missouri</td>
<td>Mo. Rev. Stat. § 566.147</td>
<td>A sex offender cannot live within 1,000 feet of a school or children facility</td>
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<tr>
<td>Nebraska</td>
<td>Neb. Code § 29-4017</td>
<td>A political subdivision may restrict where sex offenders can live only if the offender is a sexual predator and this restriction cannot extend more than 500 feet from a school or a child care facility</td>
</tr>
<tr>
<td>New Mexico</td>
<td>N.M. Stat. Ann § 29-11A-5.1</td>
<td>A sex offender cannot live within a 1-mile radius of a school or day care center</td>
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<tr>
<td>State</td>
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<td>Ohio</td>
<td>Ohio Rev. Code § 2950.034</td>
<td>A sex offender cannot live within 1,000 feet of any school premises or preschool or child day-care center</td>
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<td>Oklahoma</td>
<td>Okla. Stat. 57 § 590</td>
<td>A sex offender cannot live within 2,000 feet of a school, day care center, or a park</td>
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<td>Oregon</td>
<td>Or. Rev. Stat. § 144.642, 144.644</td>
<td>Department of Corrections Decides</td>
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<td>South Carolina</td>
<td>S.C. Code Ann. § 23-3-535</td>
<td>A sex offender cannot live within 1,000 feet of a school, day care, children’s recreation facility, park, or playground</td>
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<td>Tennessee</td>
<td>Tenn. Code Ann. § 40-39-211</td>
<td>No sexual offender or violent sexual offender can live or work within 1,000 feet of a public school, private or parochial school, licensed day care center, other child care facility, public park, playground, recreation center or public athletic field available for use by the general public, or victim</td>
</tr>
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<td>Texas</td>
<td>Tx Gov’t Code § 508.187</td>
<td>The state Parole Board decides where and how close a paroled sex offender can live or go near a child safety zone</td>
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<td>Virginia</td>
<td>Va. Code Ann. § 18.2-370.2</td>
<td>A sex offender cannot live within 100 feet of a school or child care center</td>
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<tr>
<td>Washington</td>
<td>Rev. Code Wash. § 9.94A.712</td>
<td>Sex offenders convicted of a serious offense with a high-risk level assessment (level II or III) cannot live within a community protection zone (880 feet)</td>
</tr>
<tr>
<td>West Virginia</td>
<td>W. Va. Code § 62-12-26</td>
<td>A paroled sex offender cannot live or work within 1,000 feet of a school or child care facility</td>
</tr>
</tbody>
</table>

*Note: From “Residency Restriction Zones,” by The Council of State Governments (August 2008). Reprinted and adapted.*
Crime pattern theory suggests that limiting offender mobility can decrease crime. Brantingham and Brantingham (1981) explain that crime is a result of opportunity and motivation. They tie this idea to the concepts of mobility and perception. Their research suggests that crime is more likely to occur in places offenders become familiar with as they develop an "action space" by moving between nodes or along paths (a node: places routinely visited during daily patterns; a path: the routes that link nodes together) and that as criminals move around their action space (where they go based on legitimate and criminal activities) the areas they become familiar with form their "awareness space" (Clarke and Eck, 2005). The potential for crime is heightened in this awareness space. For example, as offenders travel from home to work to a recreation area they pass through many other areas. These other areas become part of their routine and therefore part of their awareness space. Once these areas are incorporated into their routine, the offender is more likely to find suitable and unguarded victims within those areas. With regards to sex offenders, crime pattern theory would suggest that a sex offender is more likely to find victims within their awareness space. As offenders travel from home to work along a path that takes them near a school or a park, they are more likely to identify potential victims at this location.

Sex offender restrictions are designed to alter an offenders' awareness space. Residency restrictions and exclusion zones are designed to reduce awareness space near high-risk locations. The restrictions remove nodes by prohibiting a sex offender from visiting or residing near places such as schools, parks, playgrounds, or other places where children congregate. Restriction zones also restrict the paths near schools, parks,
playground, and other places where children congregate by not allowing the offender to be within a certain distance of these high-risk locations.

Two studies examined whether the offense location of serial rapists was dictated by their awareness space. Canter and Larkin (1993) plotted 45 offender residences and the location of their offenses. Creating an ellipse around the two offenses committed furthest from each other produced a “crime circle”. They found that 87% of the offenders lived within their associated crime circle. Similarly, Alston (1994) found that 56.6% of serial rapists had an activity node within their crime circles. Therefore, sex offender residency restrictions and exclusion zones may reduce the occurrence of sex crimes by limiting sex offenders’ access to places, which in turn restricts their awareness space and knowledge of potential victims.

Lawrence Cohen and Marcus Felson developed routine activities theory in 1979. The basic premise of routine activity theory is that when motivated offenders and suitable targets converge in space and time in the absence of capable guardians, a crime will likely occur. Therefore, routine activity theory predicts that when a motivated sex offender is near where children gather (e.g., school, bus stop, park, movie theater) and there are no capable guardians nearby (a principal, bus driver, parent, or other capable adult) the sex offender is likely to commit an offense. Recently, researchers have developed what is called the “problem analysis triangle” (Clark & Eck, 2005). The problem analysis triangle extends the original version of routine activity theory by introducing three controllers of crime: managers who control places, handlers who control offenders and guardians who protect victims. With regards to sex offenders, those who work at places where children congregate are managers, police who attempt to
control offender behavior are handlers, and parents and others who directly supervise children are guardians. These controllers may work together or independently to prevent victimization. Those who work at places where children congregate can prevent victimization by restricting strangers' access to these places and notifying authorities when a known sex offender enters a prohibited place. Probation officers can prevent victimization by apprehending sex offenders found in restricted places. Parents and other guardians can prevent victimization through supervision and prohibiting contact with sex offenders. Parents can use community notification systems to keep their children from visiting houses where registered sex offenders reside.

Meithe and Meier (1990) developed a “structural-choice” theory that melds the criminal opportunity and lifestyle/exposure components of routine activities theory. They consider proximity and exposure to motivated offenders as the “structural” elements and attractiveness and guardianship as “choice” elements. They analyzed the relationship between proximity, exposure, target attractiveness, and guardianship with personal assault. The analysis determined that all four elements are important when predicting the occurrence of personal assault. For sex offender restriction statutes, these findings suggest that proximity and exposure may play an important role in whether or not a crime occurs. Therefore, restriction laws that limit sex offender proximity and exposure to children might reduce the potential for victimization.

The third and final theory that explains why restriction laws may work is the situational crime prevention framework. This perspective states that by increasing the effort and risks associated with the crime, reducing the rewards gained and provocations to commit the crime, and removing excuses that may be used to justify crime, a crime is
less likely to occur. There is an extensive body of literature that suggests these techniques can be used to reduce crime (see Clark & Eck, 2005). At minimum, sex offender restriction statutes address four of these five dimensions of criminal opportunity. Theoretically, the statutes increase the effort sex offenders must exert to find a suitable and unguarded target by requiring that the offender live and travel farther from places where children congregate. These laws increase the risks for the offender since probation and parole officers may detect their presence in restricted locations. Community notification and registration statutes also increase risks for offenders. Community members have access to pictures, home addresses, and information concerning the previous offenses of registered sex offenders. By increasing the probability of detection, the risks of committing the crime (further prison time if detected) may outweigh the potential benefits of committing the crime. While the laws do not reduce the rewards associated with committing a sex crime, they do lessen the incentive to commit the crime by reducing temptation. Since sex offenders cannot legally be within 500 feet of a place used primarily by children, they may be less likely to become aroused or tempted if they abide by the restriction law. Restriction laws also remove excuses for the offender to victimize a child. The offender knows that they cannot be within 500 feet of any place where children congregate and they know that if they do enter the 500-foot restricted zone, they are violating the conditions of their release. By removing excuses, offenders cannot rationalize being near these locations.

Restriction laws attempt to reduce the likelihood of recidivism by taking the offender out of target areas such as schools, parks, and bus stops. However, previous research suggests these laws may not be effective in deterring motivated offenders and can also
produce unintended consequences such as lack of available housing, lack of employment options, and increased offender isolation. These unintended consequences are discussed further in the following paragraphs.

**The Impact of Restrictions**

Laws that are driven by data and science need to be developed if legislators are going to prevent sexual violence. Scientists and practitioners should collaborate and assist lawmakers to respond more effectively to the problem of sexual violence by supporting and creating policies that are grounded in empirical research. These policies should protect society as well as rehabilitate the offender (Levenson & Cotter, 2005). A complete list of studies examining the impact of sex offender restrictions is presented in table 2. To date, research has failed to find convincing empirical evidence to support the use of residency restrictions. On the contrary, a growing body of scientific evidence suggests that these laws may actually increase the likelihood of recidivism. A summary of the available evidence is presented below.

Residence restriction laws are based on the assumption that sex offenders recidivate in alarming numbers. Many community members report that they (a) believed sex offenders recidivate at high rates and (b) that treatment does not work (Bureau of Justice Statistics, 2003; Fortney, Levenson, Brannon, & Baker, 2007). Schiavone and Jeglic (in press) found that 78.7% of persons responding to a nationwide message board believed that it is fair that sex offenders have to move from their home or apartment because it was too close to a restricted area. However, the Bureau of Justice Statistics (2003) found that only 5.3% of 9,000 sex offenders recidivated within 3 years of release from prison.
Table 2

*Sex offender restriction evaluations*

<table>
<thead>
<tr>
<th>Author</th>
<th>Year</th>
<th>Location</th>
<th>Restriction</th>
<th>Method</th>
<th>Restriction Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barnes, Dukes, Tewksbury &amp; De Troye&lt;sup&gt;a&lt;/sup&gt;</td>
<td>2009</td>
<td>Greenville, Spartanburg, Richland, and Charleston, SC</td>
<td>1,000 and 5,280 feet</td>
<td>ArcGIS 9.2</td>
<td>Amount of restricted housing forced sex offenders to live in specific areas within each county.</td>
</tr>
<tr>
<td>Chajewski &amp; Mercado&lt;sup&gt;a&lt;/sup&gt;</td>
<td>2009</td>
<td>Phillipsburg/Alpha Township, Bergen County, and Newark City limits in Essex County, NJ</td>
<td>1,000 and 2,500 feet</td>
<td>ArcGIS 9.1</td>
<td>1,000-foot restriction zone less restrictive than 2,500-foot restriction. Biggest impact in Phillipsburg/Alpha Township – 100% of offenders in violation of 2,500-foot restriction.</td>
</tr>
<tr>
<td>Colorado Department of Public Safety&lt;sup&gt;a&lt;/sup&gt;</td>
<td>2004</td>
<td>Denver, CO</td>
<td>1,000 feet</td>
<td>Mapping software</td>
<td>Offenders seemed randomly placed. Not usually within 1,000 feet of a school or child care facility.</td>
</tr>
<tr>
<td>Duwe, Donnay, &amp; Tewksbury&lt;sup&gt;a&lt;/sup&gt;</td>
<td>2008</td>
<td>Minnesota</td>
<td>1,000 and 5,280 feet</td>
<td>Google Earth</td>
<td>Not one of the 224 offenses studied would have been prevented by residency restrictions.</td>
</tr>
<tr>
<td>Grubesic, Mack, &amp; Murray</td>
<td>2007</td>
<td>Hamilton County, OH</td>
<td>1,000 feet</td>
<td>GIS</td>
<td>31% to 45% of offenders in violation of residency restriction.</td>
</tr>
<tr>
<td>Author</td>
<td>Year</td>
<td>Location</td>
<td>Restriction</td>
<td>Method</td>
<td>Restriction Impact</td>
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</tr>
<tr>
<td>Lester</td>
<td>2006</td>
<td>National Evaluation</td>
<td>N/A</td>
<td>N/A</td>
<td>Jobs that require workers to move around and work at different locations will be off-limit because of the risk involved in accidently entering restricted area. Unemployment likely outcome of restrictions.</td>
</tr>
<tr>
<td>Levenson &amp; Cotter</td>
<td>2005</td>
<td>Fort Lauderdale and Tampa, FL</td>
<td>1,000 feet</td>
<td>Survey of Sex Offenders in treatment</td>
<td>Residency restrictions increased isolation, created financial and emotional hardships, and led to decreased stability.</td>
</tr>
<tr>
<td>Levenson &amp; Hern</td>
<td>2007</td>
<td>Indianapolis, South Bend, and New Albany IN</td>
<td>1,000 feet</td>
<td>Survey of sex offenders in treatment</td>
<td>Residency restrictions negatively affected housing, employment, social services, and social support.</td>
</tr>
<tr>
<td>Mercado, Alvarez, &amp; Levenson</td>
<td>2008</td>
<td>New Jersey</td>
<td>1,000 feet, 2,000 feet, 2,500 feet, and alternative</td>
<td>Survey</td>
<td>Sex offenders perceived that residency restrictions negatively affected employment, housing and social relations.</td>
</tr>
<tr>
<td>Author</td>
<td>Year</td>
<td>Location</td>
<td>Restriction</td>
<td>Method</td>
<td>Restriction Impact</td>
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</tr>
<tr>
<td>Rivers</td>
<td>2007</td>
<td>Miami, Tampa, Panama City, and</td>
<td>1,000 feet</td>
<td>Addresses given by released sex offenders</td>
<td>Does not affect many offenders now, but will in the future (2 as of time of study).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Seminole County, FL</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tewksbury &amp; Mustaine</td>
<td>2006</td>
<td>Seminole County, FL</td>
<td>Exploratory Study</td>
<td>Visual Observations</td>
<td>50% of available housing remains outside of the restricted zones.</td>
</tr>
<tr>
<td>Zandbergen &amp; Hart</td>
<td>2006</td>
<td>Orange County, FL</td>
<td>1,000 feet and 2,500 feet</td>
<td>GIS</td>
<td>Bus stops were most restrictive. Only 5% of available housing remains outside of the restricted zones.</td>
</tr>
<tr>
<td>Zgoba, Levenson, &amp; McKee</td>
<td>2009</td>
<td>Camden County, NJ</td>
<td>1,000 and 2,000 feet</td>
<td>GIS</td>
<td>Majority of sex offenders live within 2,500 feet of a school or day care center. Sex offenders do not live significantly closer than non-offenders. Residence location chosen because of practicality.</td>
</tr>
</tbody>
</table>

*a* No state/city residency restriction in place. Researcher's created desired restriction zone. 

*b* No state residency restriction.
While residency restriction laws are based on the belief that treatment is not effective for sex offenders, recent research has shown that treatment can be effective. Hanson et al. (2002) found that sex offender treatment reduced sex-offense recidivism by 7.5% (from 17.4% to 9.9%). Thus, the basic premise of these restrictions, that sex offenders are more of a threat to communities than other types of offenders, is in question.

By limiting where a registered sex offender can live, legislators hope to diminish the possibility of recidivism (Mustaine, Tewksbury, & Stengel, 2005). However, several self-report studies have found that residency restrictions have little impact on sex offender decision-making. Levenson and Cotter (2005) found that many sex offenders believe that 1,000-foot residency restrictions would not influence their decision to re-offend. Offenders report that they will refrain from offending only because they personally desire to, not because they are forced to live in particular locations. Offenders also report that residency restrictions will not stop them from being in places where they would likely re-offend. Additionally, some respondents reported that treatment helped them view children as people and not as objects, and seeing children occasionally helps to reinforce that idea. Likewise, Levenson and Hern (2007) found that 74% of their sample did not believe that residency restrictions would stop them from committing another sex offense against a child. Offenders reported that if they were motivated to commit another sex crime against a child, they would find a way to recidivate despite residency restrictions.

Other research supports these assertions. Duwe, Donnay, and Tewksbury (2008), for example, examined 224 sex offenses in Minnesota and found that a residency restriction law would not have prevented any of the offenses. More than half of the offenders obtained contact with their victims through another person. For example, many offenders
obtained access to victims through female partners who had children. Others met their victims on the street, in a bar, by breaking into the victim’s home (35%) or were biologically related to their victim (14%). Furthermore, researchers in Ohio used a spatial analysis program to determine if sex offenders live near homes with children. They found that offenders were no more likely to live near homes with children than near homes without children. Moreover, they found that as the number of houses with children increased, the number of neighboring sex offenders decreased. This suggests that offenders are not seeking out housing opportunities close to potential victims (Bird, 2009).

Research suggests restriction laws may produce unintended consequences. Many researchers have reported that these laws may cause problems with finding employment (Lester, 2007) and available housing (Barnes, Dukes, Tewksbury, & De Troye, 2009; Chajewski & Mercado, 2009; Colorado Department of Public Safety, 2004; Grubesic, Mack, & Murray, 2007; Levenson & Cotter, 2005; Levenson & Hern, 2007; Mercado, Alvarez, & Levenson, 2008; Rivers, 2007; Tewksbury & Mustaine, 2006; Zandbergen & Hart, 2006; Zgoba, Levenson, & McKee, 2009). Lester (2007) theoretically explored the potential impact of employment restriction zones. He determined that sex offenders would not be able to hold jobs that require employees to work at various locations because of the risk of accidentally entering a restricted area. Most downtown areas would become inaccessible to sex offenders despite the concentration of employment opportunities in these locations. Lester argued that if sex offenders are not able to find suitable work in a city, they may be forced to do agricultural work outside of the city.
However, if it is not possible for the individual to find agricultural work, the likely outcome would be unemployment.

Zandbergen and Hart (2006) conducted the most comprehensive analysis of the impact of residency restrictions on available housing for sex offenders. They examined the effects of residency restriction laws in Orange County, Florida, which prohibit sex offenders from living within 1,000 feet of a school, school bus stop, day care facility, playground, or any other place where children congregate. Using a Geographic Information Systems program, they found that 1,000-foot residency restriction zones severely constrain housing options in urban areas. Only 5% of housing remained available to offenders after excluding residences located within 1,000 feet of bus stops, day care facilities, schools, parks, and attractions; and less than 1% of housing remained when the restricted zone was increased to 2,500 feet. With such a limited amount of available housing, the likelihood that an offender must live in rural areas is greatly increased. In rural areas, offenders would likely be further isolated from friends and family that could provide them emotional support.

Other research supports the isolation hypothesis. Many offenders feel restrictions have caused isolation and financial and emotional hardships. Levenson and Cotter (2005) found that 44% of their sample was unable to live with supportive family members, 48% suffered financially, and 60% suffered emotionally as a result of a 1,000-foot residency restriction in Florida. Levenson and Hern (2007) reported similar findings. In their study of 148 adult male sex offenders in Indiana, they found that housing restrictions caused financial hardships (40%) and feelings of hopelessness, anger, and/or depression (45%). One study found that residency restrictions might increase risk of re-offense. When
surveying 135 sex offenders in Florida, Levenson and Cotter (2005) found that because
the law increased isolation in some cases, offenders felt that their risk for re-offending
increased. Some offenders commented, "I believe you have a better chance of recovery
by living with supportive family members" and "What helps me is having support people
around...Isolating me is not helpful" (Levenson & Cotter, 2005, p. 173). In a study
conducted in New Jersey, Mercado, Alvarez, and Levenson (2008) found evidence to
suggest that restriction laws might negatively impact reintegration. They found that in
their study of 138 male sex offenders in the community, 35% of the respondents could
not live with supportive family members due to residency restrictions.

Even when residency restrictions are in place, research suggests these laws are
difficult to enforce. Researchers have used the typical restriction zones of 1,000 and
2,500 feet to determine how these restrictions would impact sex offenders. Chajewski and
Mercado (2009) examined three counties in New Jersey, with a total of 268 offenders,
and found that in Phillipsburg/Alpha County, 33% of offenders were in violation of a
1,000-foot restriction and 100% of offenders were in violation of a 2,500-foot restriction
zone. In Bergen County, 38% of offenders were in violation of a 1,000-foot restriction
and 91% were in violation of a 2,500-foot restriction. In Newark County, 65% of
offenders were in violation of a 1,000-foot restriction and 98% were in violation of a
2,500-foot restriction. Zgoba, Levenson, and McKee (2009) found that in Camden
County, New Jersey, 71% of offenders lived within 2,500 feet of a school and 80% lived
within 2,500 feet of a day care. They determined that a majority of the sex offenders
would not be able to continue to reside in their current homes if these restrictions were
adopted. Therefore, is it not surprising to find that many sex offenders currently live in
prohibited areas. Tewksbury and Mustaine (2006) found that 50% of their sample was in current violation of the Seminole County, Florida residency restriction law. In Hamilton County, Ohio, researchers found that 31% to 45% of all registered sex offenders lived in prohibited areas (Grubesic, Mack, & Murray, 2007). Even if these laws could reduce victimization, we cannot expect them to do so if they cannot be properly enforced.

Overall, the research has demonstrated that not all sex offenders recidivate and sex offenders can respond favorably to treatment. Additionally, restriction laws do not appear to deter motivated sex offenders but can produce unintended consequences that may increase the likelihood of recidivism. Despite problems with enforcement and a lack of evidence to suggest that these restrictions reduce victimizations, many places in the United States continue to adopt such statutes and push for more restrictive legislation. The sex offender laws in Nevada are examined next.

Sex Offender Laws in Nevada

A sex offender in Nevada is required to register as a convicted sex offender if convicted of a sexual offense pursuant to NRS 179D.097. Nevada, in accordance with Megan’s Law, requires sex offenders to register with local authorities upon being released from incarceration and disseminates this information to the public if they are high-risk offenders.

Nevada uses a risk assessment scale to determine the potential risk of a sex offender re-offending and then, based on the results of the assessment, places offenders in one of four Tiers. The Criminal History Repository administers the risk assessments. Each assessment is constructed using a particular formula that takes into consideration the
seriousness of the offense, the number of offenses committed, and if there was any violence during the offense (Nevada Department of Public Safety, 2007.). The Nevada Department of Public Safety (2008) reports monthly statistics on registered sex offenders. As of October 1, 2008, classification data for 5,918 active sex offender cases were available. There were 1,671 Tier 0 cases, 1,894 Tier I cases, 2,158 Tier II cases, and 195 Tier III cases.

Nevada defines a violent or sexual offense as committing any of the following acts:

(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 pursuant to NRS 200.481., (12) an offense involving pornography and a minor pursuant to NRS 200.710 or 200.720., (13) solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195., (14) intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205., (15) open or gross lewdness pursuant to NRS 201.210., (16) lewdness with a child pursuant to NRS 201.230., (17) an offense involving pandering or prostitution in violation of NRS 201.300, 201.320 or 201.340., (18) coercion pursuant to NRS 207.190, if the coercion 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, and (19) an attempt, conspiracy or solicitation to commit an offense listed in subsections 1 to 18, inclusive (see NRS.202.876).

Nevada Tier Levels. The first Tier, 0, does not require assessment if the offender is “convicted of a misdemeanor, or a gross misdemeanor” (Nevada Department of Public Safety, 2007). Tier I offenders are believed to have a low
risk of recidivism. Tier I offenders are those convicted of a crime against a child.
A crime against a child is defined as any of the following offenses when the
victim of the offense was under the age of 18 when the offense was committed.
Kidnapping or false imprisonment, unless the offender is the parent or guardian,
pandering or prostitution, an attempt to commit one of the offenses, or an offense
committed in another jurisdiction that if committed in this State, would be an
offense listed as a Tier I offense in Nevada (see Nevada Assembly Bill 579).

Tier II offenders are believed to have a moderate risk of recidivism. Tier II offenders
are those offenders who are convicted of a crime against a child whose crime results in
imprisonment for more than 1 year. The offenses which would result in a Tier II labeling
of the offender are: luring a child, abuse of a child (if the abuse is sexual or sexual
exploitation), pandering or prostitution, pornography with a minor, and any other offense
that is similar or more severe than listed (see Nevada Assembly Bill 579).

Tier III offenders are those that have a high risk of recidivism. Tier III offenders are
those offenders who have been convicted of a crime against a child under the age of 14.
An offender is assigned as a Tier III sex offender if the offender has been:

Declared to be a sexually violent predator; convicted of three or more
sexually violent offenses, and at least two of the offenses were brought
and tried separately; convicted of two sexually violent offenses and one or
more nonsexually violent offenses, and at least two of the offenses were
brought and tried separately; convicted of one sexually violent offense and
two or more nonsexually violent offenses, and at least two of the offenses
were brought and tried separately; convicted of two sexually violent
offenses, and both offenses were brought and tried separately, and the sex
offender has been arrested on three or more separate occasions for
commission of a sexually violent offense, a nonsexually violent offense or
an associated offenses; or convicted of one sexually violent offense and
one nonsexually violent offense, and both offenses were brought and tried
separately, and the sex offender has been arrested on three or more
separate occasions for commission of a sexually violent offense, a
nonsexually violent offense or an associated offense (see Nevada Statute §179D.550).

Tier 0 will be eliminated when Nevada sex offender statutes are modified to be in compliance with the Adam Walsh Act. The restructuring of the Tier levels under Adam Walsh is also expected to increase the number of sex offenders classified as Tier III offenders in Nevada by a significant amount because Tier level classification will be based on the type of crime committed and not on offense history (Southern Nevada Sex Offender Management Task Force, 2008). As of September 2006 there were 14 supervised Tier III sex offenders. A report generated by the Southern Nevada Sex Offender Management Task Force (2008) predicted that the number of Tier III offenders would increase to at least 300 supervised Tier III sex offenders under the Adam Walsh Act.

Present Study

To date, many studies have analyzed the impact of residency restrictions on offenders. These studies have investigated how restriction laws affect housing availability and various collateral consequences such as isolation, stress, and other hardships. What is missing from many of the studies is how an exclusion zone as well as a residency restriction zone would affect offender mobility as well as housing availability. Nine states have adopted some sort of loitering or exclusion zone (table 3). The purpose of the proposed research is to determine how the recently proposed Nevada Senate Bill 471 (Appendix I) would affect sex offender mobility, housing options, employment, access to supervision and support services, and to assess the potential impact on victimization.
patterns in Las Vegas, Nevada. Senate Bill 471 was created to align Nevada’s sex offender laws with the Adam Walsh Act.

Table 3

Current states with loitering/exclusion zones

<table>
<thead>
<tr>
<th>State</th>
<th>Code</th>
<th>Type of Restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Ala. Code § 15-20-26</td>
<td>Sex offenders may not loiter within 500 feet of a school, child care facility, playground, park, athletic field/facility, or any other place where children congregate</td>
</tr>
<tr>
<td>Georgia</td>
<td>O.C.G.A. § 41-1-15 As Amended by Senate Bill 1 (2008)</td>
<td>It is unlawful for persons that are required to register to loiter at any child care facility, school, or area where minors congregate</td>
</tr>
<tr>
<td>Idaho</td>
<td>Idaho Code § 18-8329</td>
<td>A sex offender who is currently registered or who is required to register cannot loiter within 500 feet of a school or school property</td>
</tr>
<tr>
<td>Illinois</td>
<td>Ill. Comp. Stat. Ann. § 5/11-9.3</td>
<td>A sex offender with a victim that was under the age of 18 cannot loiter within 500 feet of a school or school property</td>
</tr>
<tr>
<td>Louisiana</td>
<td>La. Rev. Stat. § 14.91.2</td>
<td>A sex offender cannot loiter 1,000 feet of a school, public park, or recreation facility</td>
</tr>
<tr>
<td>Michigan</td>
<td>Mich. Comp. Laws § 28.734</td>
<td>A sex offender cannot loiter within 1,000 feet of a “school safety zone” (a school or school property)</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>21 Okl. St. § 1125</td>
<td>A sex offender cannot be within 300 feet of an elementary, junior high, or high school, a licensed child care center, a playground, or a park if required to register</td>
</tr>
<tr>
<td>South Dakota</td>
<td>SD Rev. Code Ann. § 22-24B-24</td>
<td>A sex offender may not loiter within 500 feet of a facility or the grounds of any school, public park, public playground, or public pool</td>
</tr>
<tr>
<td>Tennessee</td>
<td>Tenn. Code Ann. § 40-39-211</td>
<td>A sex offender may not loiter within 500 feet of any school building or school grounds</td>
</tr>
</tbody>
</table>
This research examines the effect exclusion and residential restriction zones proposed in Senate Bill 471 may have on supervised Tier III offenders. Under Senate Bill 471, Tier III offenders would not be allowed to "knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children" as provided by NRS 176A.410 unless approved by the parole and probation officer assigned to the offender (see Nevada Senate Bill 471). Examples of these places include: a public or private school, a school bus stop, a day care facility, a video arcade, an amusement park, a playground, a park, an athletic field or a youth sports facility, or a movie theater. Tier III sex offenders are also not allowed to reside in locations within 1,000 feet of these places.

As of October 7, 2008, this law has a permanent injunction placed against it by the United States District Court in the District of Nevada because it was judged in violation of the Ex Post Facto and Double Jeopardy Clauses of the United States Constitution and the Contracts clauses of the United States and Nevada Constitutions (The American Civil Liberties Union of Nevada v. Masto, C.C. and others, 2008). In addition, Nevada Assembly Bill 579 has also been blocked because it does not provide any procedural protections in regards to the retroactive application. Therefore, Honorable Judge James C. Mahan declared both bills as violating the Due Process Clause of the United States Constitution (The American Civil Liberties Union of Nevada v. Masto, C.C. and others, 2008).

However, the potential impact of such a law should still be studied to (1) explore the degree to which the law would have affected current Tier III sex offenders under supervision, (2) determine whether the Court’s ruling may weaken crime deterrence
strategies, and (3) add to the body of research that has examined similar restrictions in other states. In addition, because Nevada Senate Bill 471 was created hastily and consequently has an injunction against it, there will be another similar law proposed with the same goals of protecting children and reducing the potential for victimization by restricting sex offender’s access to children. This study is both a replication and an extension of previous work.

Research Questions

This study attempts to answer five research questions based on data from Las Vegas, Nevada.

Research Question #1: How would the requirements of Senate Bill 471 affect offender mobility?

Crime pattern theory suggests that limiting offenders’ “awareness space” may reduce opportunities for crime. By restricting sex offenders’ “action space” through the implementation of the exclusion zones proposed in Senate Bill 471, offenders’ knowledge of potential targets could also be reduced. The current analysis attempts to assess the degree to which an offender’s action space would be restricted under the proposed law. The proportions of the city and roadways that fall within the proposed exclusion zones are examined.

Research Question #2: Do parole and probations offices fall within restricted areas?

Parole and probation officers provide supervision and social services to reduce recidivism by acting as “handlers” for offenders. This study will determine whether the restriction law could potentially interfere with the administration of services and supervision of high-risk sex offender populations by restricting access to these handlers.
The location of parole and probation offices are compared to the areas deemed off-limits to sex offenders under the proposed law.

Research Question #3: What impact would the 1,000-foot residency restriction zone have on housing availability?

As noted previously, Zandbergen and Hart (2006) found that after placing 1,000-foot buffers around restricted areas in Orange County, Florida only 5% of available housing remained. If similar findings are found in Las Vegas, sex offenders may decide to go into hiding, not register as required, or be forced to become homeless. Parole and probation officers could not monitor these sex offenders, thus, reducing handlers. Offenders may also be forced to live alone and away from friends and family members if these individuals live within restricted areas. This would also act to reduce the number of potential handlers for offenders. Nonregistered sex offenders would not be listed in the sex offender registry. This would reduce the number of potential guardians (e.g., informed parents) and place managers (e.g., apartment managers who rent to sex offenders) in the city. These outcomes would undermine the goal of the statute, which is to monitor and supervise serious sex offenders, thereby reducing the likelihood that they will commit another offense. The percentage of residential housing parcels that fall within the restricted areas is examined.

Research Question #4: Do sex offenses occur in places that would be restricted from sex offenders under Senate Bill 471?

Theoretically, reducing sex offenders’ proximity and exposure to places where children congregate should help to reduce temptations to re-offend. These zones can also increase the risks of being detected while near these locations and increase the effort
required to find a suitable target. Reductions in temptation and excuses, and increases in risk and effort, should help to reduce victimization by altering the opportunity structure for these offenses. However, this assertion is based on the assumption that offenses occur in places where the opportunity structure will be altered. Police calls for service data are used to determine whether incidents of child molestation occur within the areas restricted under the proposed law.

Research Question #5: Would any Tier III sex offenders, currently registered in Las Vegas, be in violation of the proposed law based on the location of their current residence or place of employment?

Tewksbury and Mustaine (2006) examined a similar question and found that half of their sample currently lived in a restricted zone. In addition, Grubesic, Mack, and Murray (2007) analyzed offender residence locations and found that 31% to 45% of their sample was in violation of a residency restriction law. If similar findings are found in Las Vegas, it would mean that many sex offenders would have to relocate. If the offender does not comply with the court order, they may be forced to serve the remainder of their sentence under confinement. For example, in Nevada, if the offender is on probation and they do not comply with the restriction, the judge could reinstate the original sentence; if the offender is on parole, he or she could be sent back to prison to serve the remaining time of the sentence; and if the offender is subjected to lifetime supervision and violates the terms of his or her community supervision, the Department of Parole and Probation must file new criminal charges and a new sentence may be issued (A.W. Page, personal communication, November 24, 2008). As stated previously, forcing offenders to move could result in fewer handlers, guardians, and managers if offenders fail to register in an
attempt remain at their current places of residence. Offenders may also have fewer handlers if forced to live alone and away from friends and family or if they are forced to seek new jobs because their current places of employment fall within a restricted area. Unemployed sex offenders will likely spend less time supervised by others and have more unstructured time to find or stumble upon potential targets. Sex offender residence and employment addresses are compared to the areas restricted under the proposed law.
CHAPTER THREE

METHODOLOGY

Research Design

The current study will examine the potential impact of Nevada Senate Bill 471, should the courts have allowed passage of the Bill or if the United States District Court decision is reversed. Honorable Judge Mahan blocked this Bill in the United States District Court in the District of Nevada. A permanent injunction has been placed against this Bill because it was found to be in violation of the Ex Post Facto, the Double Jeopardy Clauses of the United States Constitution and in violation of the Contracts clauses of the United States and Nevada Constitutions and violates the Due Process Clause of the United States Constitution \textit{(American Civil Liberties Union of Nevada v. Masto, C.C. and others, 2008)}. This study is not an experiment that will be able to completely assess the effectiveness of the proposed law, but it will be conducted in order to examine the general impact this type of legislation would have in Nevada. Although the proposed Senate Bill has been deemed unconstitutional, a similar law will be introduced in Nevada to establish compliance with Federal legislation.

This exploratory and descriptive study can best be characterized as a one-shot case study that will assess the likely impact of Senate Bill 471 had it been adopted and enforced July 1, 2008. The impact will be assessed in five ways, corresponding to the five
research questions stated in Chapter 2. The following sections contain an outline of the
data to be used and a description of the types of analyses conducted to answer the
research questions.

Data

All data used in this study are secondary data. The type, source, and age of all data
are described below.

*Las Vegas City-Limits.* A polygon shapefile of the official city-limits of Las Vegas,
Nevada was obtained July 18, 2008 in a GIS-compatible format from the City of Las
Vegas, Department of Information Technologies. The total area of Las Vegas is 133.14
square miles.

*Street Network.* A line file representing all streets in the greater Las Vegas area was
obtained July 18, 2008 in a GIS-compatible format from the City of Las Vegas,
Department of Information Technologies.

There are a total of 94,710 street segments in Las Vegas, Nevada. To select only the
streets that were contained by the Las Vegas city-limits, the “Select by Location” feature
was used in ArcGIS. This resulted in a total of 26,052 street segments selected for use in
the analyses. To calculate the total length of the streets in Las Vegas, the calculate
geometry feature was used in ArcGIS. The total length of all street segments in Las
Vegas is 1,971.76 miles.

*Unrestricted Locations*

A list of the unrestricted locations and parcels to be used, the number of each type of
location or parcel, and the GIS format of the parcel is provided in table 4.
Table 4

List of unrestricted locations

<table>
<thead>
<tr>
<th>Place</th>
<th>n</th>
<th>Type of Shape</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex Offender Addresses (Home and Work)</td>
<td>53; 6</td>
<td>Point</td>
<td>Nevada Department of Public Safety</td>
</tr>
<tr>
<td>Residential</td>
<td>150,011</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Parole and Probation Offices</td>
<td>1</td>
<td>Polygon</td>
<td>Nevada Department of Public Safety</td>
</tr>
<tr>
<td>Calls for Service</td>
<td>249</td>
<td>Point</td>
<td>Las Vegas Metropolitan Police Department</td>
</tr>
</tbody>
</table>

Sex Offender Addresses. All addresses for Tier III sex offenders in Las Vegas, Nevada were obtained from the Nevada Department of Public Safety website on February 26, 2009. There were a total of 96 home addresses available on the website. These addresses were exported to a DBF file and then geocoded into a point layer shapefile for analysis. All 96 addresses were geocoded, producing a 100% geocoding rate. Of the 96 addresses, 53 were found to be located within Las Vegas city-limits using the “Select by Location” feature in ArcGIS.

Fourteen Tier III sex offender work addresses were also obtained from the Nevada Department of Public Safety website. These addresses are only available at the block level (e.g., 4500 block of Main Street). Therefore, addresses representing the center point of a block (e.g., 4550 Main Street) were exported to a DBF file and then geocoded into a point layer shapefile for display. A visual analysis was used to determine if places along
these blocks are restricted from sex offenders under the proposed law. The “Select by Location” feature in ArcGIS revealed that 6 of these 14 addresses fall within Las Vegas city-limits. These six work addresses are used in the analysis.

*Residential.* A polygon shapefile of the land use parcels in the city of Las Vegas, Nevada was obtained from the City of Las Vegas, Department of Information Technologies on July 18, 2008. All parcels were plotted on a map and then the “Select by Location” feature was utilized to select only those parcels within the Las Vegas city-limits. The lots with a source code of “one” and a use code of 10, 20, 30, 40, 50, 60, 70, 80, 85, and 88 represent residential land use parcels (Clark County, NV Assessor, 2008). These values correspond to: single family residence, duplex, triplex, four-plex, apartments, townhouses, multi-family structure, manufactured home parks, manufactured home estates, and manufactured homes respectively. The residential land use parcels were selected from the complete list of parcels using the source codes and the “Select by Attribute” feature in ArcGIS. The selected parcels were exported to a new file to create a “Residential Parcels” shapefile. This shapefile was created for the purpose of analyzing residential housing parcels to determine how many fall within the proposed 1,000-foot residency restriction zones.

*Parole and Probation Office.* The current address of the Las Vegas parole and probation office was obtained from the Nevada Department of Public Safety website on November 2, 2008. This address was exported to a DBF file and then geocoded using the “Geocode Addresses” feature. The point was then linked to the polygon parcel corresponding to the correct building to create a shapefile representing this location.
Calls for Service. Calls for service data for child molestation offenses were obtained from the Las Vegas Metropolitan Police Department. Addresses associated with calls coded 428 (indicating a call for child molestation) from January 1, 2007 thru December 31, 2007 were selected from a list of all calls for service. The database contained the X and Y coordinates for each call for service. The “Display X and Y Coordinates” feature was used to display the calls for service data in ArcGIS. The total number of child molestation offenses that occurred in or near a restricted location could then be computed. There were originally 1,397 calls for service for child molestation. Calls that occurred outside of Las Vegas city-limits were removed from the list by using the “Select by Location” feature in ArcGIS and then selecting features from “Child_Molest” that are contained by the Las Vegas City Limits shapefile. After selecting only the calls that occurred in the city-limits, 998 child molestation calls for service remained. Then, calls originating from a police station or hospital were removed because it is assumed that the actual child molestation did not occur in those locations; only reported at these locations. After removing calls from hospitals and police stations, a total of 249 calls remained and are used in the final analysis.2

Restricted Locations

A list of the restricted locations and businesses is provided in table 5. This table contains the number of each location or business, a description of the type of file used to represent each location, and the name of the agency that provided each data source. A lieutenant with the Department of Public Safety, Division of Parole and Probation

2 It should be noted that these data reflect locations from which the offenses were reported and may not accurately reflect where the crime occurred. The implications of this limitation are discussed in detail later in this thesis.
confirmed that the items listed in table 5 would be the locations restricted from sex offenders under the proposed legislation. These restricted locations are described in detail below.

Businesses. The following business categories were identified as places that would be deemed off-limits to sex offenders under the proposed law: amusement park (A06), arcade (A36), child care – onsite care (N19), child care – special needs (N18), child care center – nursery (N14), child care center – preschool (N15), child care center – preschool-nursery (N16), child care center (more than 12) (N10), day camp youth oriented (D18), family child care home (6 or less) (N08), group child care home (7 to 12) (N09), preschool (N13), and theater (T03). The letter and number for each category correspond to a letter and number found in the category column of the business license point shapefile provided by the City of Las Vegas, Department of Information Technologies on July 18, 2008. The specific points representing places restricted from sex offenders were selected using the relevant business categories and the “Select by Attribute” feature in ArcGIS. A total of 191 restricted businesses were identified using these categories. The points representing these businesses were then linked to the polygon City Land Use layer using the “Select by Location” feature in ArcGIS. The selected parcels were exported to a new file to create a “Restricted Business Parcels” shapefile.

Schools. A polygon shapefile containing the names and locations of 308 public and private schools was provided by the City of Las Vegas, Department of Information Technologies on July 18, 2008. To determine how many public and private K-12 schools
are in Las Vegas, the "Select by Location" feature in ArcGIS was used. The 91 schools located within the Las Vegas city-limits are included in the analyses.

Table 5

<table>
<thead>
<tr>
<th>Place</th>
<th>n</th>
<th>Type of Shape</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement Park</td>
<td>6</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Arcade</td>
<td>3</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Child Care Facility</td>
<td>80a</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Day Camp Youth Oriented</td>
<td>2</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Family Child Care Home - 6 or less children</td>
<td>90</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Group Child Care Home - to 12 children</td>
<td>2</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Movie Theater</td>
<td>5</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Preschool</td>
<td>3</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Public Parks</td>
<td>64</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>Public/Private School</td>
<td>91</td>
<td>Polygon</td>
<td>City of Las Vegas, Department of Information Technologies</td>
</tr>
<tr>
<td>School Bus Stop</td>
<td>581</td>
<td>Point</td>
<td>Department of Public Safety, Division of Parole and Probation</td>
</tr>
</tbody>
</table>

*This includes: onsite care facilities, special needs facilities, nurseries, preschools, preschool-nurseries, and child care centers for more than 12 children.
Bus Stops. The location of each bus stop for the public schools system was obtained from the Department of Public Safety, Division of Parole and Probation on July 29, 2008. A total of 1,875 bus stops remained after duplicate records and bus stops at schools were removed from the original file. For addresses not found in ArcGIS, the address or cross-streets were typed into Google Maps. If Google Maps found that the address or cross-street was spelled incorrectly or needed a different street type or direction, the address was modified. There were 123 bus stops that could not be found on Google Maps or had incomplete addresses (e.g., (S-SIDE) OF HORIZON RIDGE, (E) OF LAS PALMAS ENT) and were also removed from the original file. The 1,752 remaining bus stops were exported to a DBF file and geocoded using the “Geocode Addresses” feature, producing a 93.4% geocoding success rate. Of these bus stops, 581 were found to be located in the Las Vegas city-limits using the “Select by Location” feature in ArcGIS.

Parks. A polygon shapefile of 63 parks was obtained July 18, 2008, from the City of Las Vegas, Department of Information Technologies in a GIS-compatible format. An additional park within the Las Vegas city-limits was found on the Clark County Parks and Recreation website (2008). This park was exported to a DBF file and geocoded using the “Geocode Addresses” feature to a point shapefile. The point was then linked to the correct polygon parcel to create a complete polygon shapefile of Las Vegas parks.

Analyses

The Geographic Information System program, ArcGIS 9.2, is used to analyze the data. This analysis differs from traditional quantitative data analysis in that it does not use a dataset containing variables that describe individual cases. Instead, this study utilizes
multiple data sources that allow analyses based on data linked together using spatial
reference data. Definitions of terms used to conduct the analyses within the Geographic
Information Systems program are provided in table 6.

Table 6
Commonly used Geographic Information System terms

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buffer(^b)</td>
<td>A zone around a map feature measured in units of distance or time that can be used for proximity analysis</td>
</tr>
<tr>
<td>Calculate Geometry(^a)</td>
<td>Calculates values, such as area, perimeter, length, etc</td>
</tr>
<tr>
<td>Display X and Y Coordinates</td>
<td>Feature in ArcGIS used to visually display X and Y coordinates as a point on the map</td>
</tr>
<tr>
<td>Dissolve(^b)</td>
<td>A geoprocessing command that removes boundaries between adjacent polygons that have the same value for a specified attribute</td>
</tr>
<tr>
<td>Geocoding(^b)</td>
<td>To assign a street address to a location</td>
</tr>
<tr>
<td>Geocoding Success Rate</td>
<td>Percentage of matched addresses achieved when assigning a street address to location in ArcGIS</td>
</tr>
<tr>
<td>Overlay(^b)</td>
<td>A spatial operation in which two or more maps or layers are superimposed for the purpose of showing the relationships between features that occupy the same geographic space</td>
</tr>
<tr>
<td>Parcel(^b)</td>
<td>A piece or unit of land, defined by a series of measured straight or curved lines that connect to form a polygon</td>
</tr>
<tr>
<td>Point(^b)</td>
<td>A geometric element defined by a pair of x,y coordinates</td>
</tr>
<tr>
<td>Select by Attribute(^a)</td>
<td>Selects map features by their attribute values</td>
</tr>
<tr>
<td>Select by Location(^a)</td>
<td>Selects map features using the location of features in another layer</td>
</tr>
<tr>
<td>Shapefile(^b)</td>
<td>A file storing the location, shape, and attributes of geographic features</td>
</tr>
</tbody>
</table>

\(^a\)Definitions found in ArcGIS, 9.2.  
\(^b\)Definitions found at Environmental Systems Research Institute, Inc.
Offender Mobility

Using the ArcGIS buffer tool, 500-foot exclusion zones were created around each of the restricted locations. The buffers were joined together using the “Overlay” feature and then merged together using the “Dissolve” feature in ArcGIS. This process created a single buffer zone where there were multiple overlapping buffers. The proposed law does not describe how these zones should be measured. However, the most conservative, or restrictive, measure, parcel boundary to parcel boundary, is used in this study with the exception of the bus stops, which are represented by points. Street geocoding has imperfect positional accuracy and therefore, where possible, parcel boundaries were used in the analysis (Zandbergen & Hart, 2009). To determine the total square mile area of Las Vegas and the total square mile area of restricted land within the city, the calculate geometry feature was used in ArcGIS. The total amount of restricted area represented by the buffers was summed and then subtracted from the total square mile area of the city to calculate the total area and the percentage of the city deemed off-limits to offenders.

To determine if the 500-foot exclusion zones would restrict sex offenders’ access to roadways, the total length in miles of restricted streets in Las Vegas is compared to the total length in miles of all streets in the city. To identify the streets that would be restricted from sex offenders, street segments that intersected the 500-foot buffers were identified using the “Select by Location” feature in ArcGIS. The total length of all streets and the total length of the restricted streets in Las Vegas were calculated using the calculate geometry feature in ArcGIS. Both the raw lengths and the percentage of restricted streets are reported.
Parole and Probation

The location of the parole and probation office is displayed in ArcGIS to determine whether it falls within a 500-foot exclusion zone. Visual analysis is used to determine if the parole and probation office is located in a restricted area. If the office is within 500 feet of a restricted place, it will be reported as restricted from offenders.

Housing Availability

Using the same methodology described for creating the 500-foot exclusion zones, 1,000-foot residency restriction zones were created around each of the restricted locations. The "Select by Location" feature in ArcGIS was used to identify residential land use parcels that fall within these 1,000-foot zones. Senate Bill 471 would classify these places as not suitable for inhabitance by a Tier III sex offender. To determine the degree to which the Bill would restrict housing options for offenders, the total number of restricted residential parcels is subtracted from the total number of residential parcels in Las Vegas. Both the raw number and the percentage of residential parcels restricted by the proposed law are reported.

Calls for Service

To establish how many child molestation calls for service occurred within the 500-foot or 1,000-foot exclusion zones, the X and Y coordinates for each of the calls for service were plotted along with the buffers representing the exclusion zone. The number of child molestation calls for service that occurred within 500 feet of a restricted location is reported as both a percentage of the total number of calls and whole number. The same statistics are reported for offenses that occurred within 1,000 feet of a restricted location.
Impact of Senate Bill 471 on Currently Registered Sex Offenders

To establish if there are any Tier III sex offenders currently residing in areas that would be restricted under the proposed law, the current residential addresses of offenders were plotted along with the 1,000-foot residency restriction buffers. The "Select by Location" feature in ArcGIS was used to identify offender residential addresses that fall within the 1,000-foot restriction zones. The number of offenders currently in violation of the 1,000-foot restriction zone is reported as both a percentage and raw number. In addition, the current employer addresses of offenders were plotted with the 500-foot exclusion zone buffers to determine if there are any offenders working in restricted locations. The "Select by Location" feature in ArcGIS was used to identify offender employment addresses that fall within the 500-foot exclusion zones. The number of offenders that are in violation of the 500-foot exclusion zone is reported as a raw number.
CHAPTER FOUR

RESULTS

The purpose of the current study is to examine the potential impact of Senate Bill 471 on supervised Tier III sex offenders currently registered in Las Vegas, Nevada. Five research questions are examined to determine the potential impact of the proposed residency restrictions and exclusion zones. The characteristics of restricted locations are explored, and findings concerning the potential impact of the proposed exclusion zones on sex offender mobility, housing availability, victimization patterns, and currently registered sex offenders are presented.

First, the impact of the 500-foot exclusion zones on offender mobility is examined. Senate Bill 471 would create these exclusion zones around any place designed for use by children. When a 500-foot buffer is applied to the restricted locations, approximately 24% (32.33 miles of 133.15 miles) of Las Vegas is rendered off-limits to sex offenders (see Figure 1). The proportion of the city restricted from sex offenders is actually much greater when the fact that much of the north and west of the city is undeveloped land is considered. These areas do not include housing parcels, businesses, or streets. The restricted areas are concentrated in places where the majority of people conduct business, live, and commute.
To further explore the impact of the Bill on offender mobility in the city, restrictions to street access, which would limit access to transportation, are also examined. When the 500-foot exclusion zones are in place, approximately 48% (949.78 miles of 1,971.76 miles) of all street segments are restricted from sex offenders (see Figure 2). With approximately half of the street segments in the city off-limits to sex offenders, both personal and public transportation would be limited. The exclusion zones make it impossible to drive, walk, or access public transportation along the major streets in the
city (e.g., Charleston Boulevard, Buffalo Drive, and Rainbow Boulevard) without entering a restricted area. Portions of major highways (i.e., Interstate 15 and US95) also fall within the exclusion zones.

Figure 2. Restricted and unrestricted streets.

Second, the location of the parole and probation office in Las Vegas relative to the restricted areas is examined. The only parole and probation office in Las Vegas is located
within a 500-foot exclusion zone (see Figure 3). Access to social service providers such as the parole and probation office is crucial to offender monitoring and reintegration. The conditions of the proposed Bill would restrict street access to this office and render the location of the agency off-limits to offenders.

Figure 3. Parole and probation office.
Third, the impact of the proposed 1,000-foot residency restriction on housing availability for sex offenders is examined. Approximately 73% (110,170 of 150,011) of all residential parcels fall within a 1,000-foot residency restriction zone (see Figure 4).

Figure 4. Impact of 1,000-foot residency restriction zone on housing availability.
It should be noted that this does not mean that there are 27% of housing parcels available to offenders. The remaining parcels may be occupied, too expensive for the offender to rent or purchase, or unavailable for some other reason (e.g., senior complex).

Of the remaining unrestricted parcels, less than 1% are apartments, which tend to be the most viable of the few housing options for offenders who have just been released from prison. Approximately 90% (813 of 905) of the apartment complexes available in Las Vegas are restricted from sex offenders because they intersect with a restricted zone.

In addition, what appears to be the largest area of unrestricted housing parcels is located within an area called “Sun City”. There are approximately 7,800 homes in this area (Sun City Summerlin Community Association, Inc., 2009). At least one person over the age of 55 must reside in the home and no one under the age 19 is allowed to reside as a permanent resident in the community. With the majority sex offenders being under the age of 50 (Hanson, 2002), it is unlikely that most sex offenders would qualify to live in Sun City.

Fourth, the locations of reported cases of child molestation are compared to the restriction zones to determine whether these offenses occur in places that would be restricted to sex offenders under the provisions of the proposed Bill. When the locations of child molestation calls for service are plotted on a map containing the buffers representing the restricted areas, approximately 44% (109 of 249) of these calls for service in Las Vegas fall within a 500-foot exclusion zone and 80% (199 of 249) fall within a 1,000-foot residency restriction zone (see Figure 5). This analysis suggests that less than half of these offenses are reported within the exclusion zones, but most offenses are reported from within a residency restriction zone. This is not surprising since the
1,000-foot residency restriction zones account for over half (52%) of the city and are heavily concentrated in high-activity areas in the city.

Figure 5. Locations of child molestation calls for service.

Finally, the residency and employment addresses for Tier III sex offenders currently registered in Las Vegas are examined to determine how many offenders would have to move or seek new employment if the provisions of the Bill were signed into law.
Approximately 72% (38 of 53) of Tier III sex offenders are currently living in places that violate the 1,000-foot residency restriction provision of Senate Bill 471 and would be forced to find alternative housing (see Figure 6). If these 38 offenders could not secure alternative housing, they could be forced to move out of the city or to another state. If they did not relocate their residence, these sex offenders could be given additional sentences for not adhering to the restriction provisions of Senate Bill 471.

Additionally, 4 of the 6 Tier III sex offenders with employment information available for analysis currently work in locations that fall within a 500-foot exclusion zone (see Figure 7). Even areas that remain mostly unrestricted and provide many opportunities for employment, such as the concentration of hotels and casinos\(^3\) along Fremont Street (see Figure 8), are surrounded by restricted areas making transportation to and from these locations difficult. The proportion of the city deemed off-limits under the proposed exclusion zones will undoubtedly limit employment opportunities for sex offenders.

\(^3\) Hotel and casino data were obtained the same way as business data. They are in polygon shapefile format. Lots with a source code of 3 and a use code of 10, 11, 20, and 25 were used. These values correspond to Hotels – class 1 resort, Hotels- class 2 resort, Deluxe motels, and Casinos respectively.
Figure 6. Tier III sex offender home addresses.

Geographic Attributes

- 15 Sex Offender Home Addresses Not within Buffer
- 38 Sex Offender Home Addresses within Buffer
- Restricted Parcels 1000ft Buffer
- Las Vegas City Limits

Source: City of Las Vegas, Department of Technologies and Nevada Department of Public Safety
Date: March 29, 2009
Figure 7  Tier III sex offender work addresses.
Figure 8  Fremont Street Experience.
CHAPTER FIVE

CONCLUSION

The results of this study help to assess the potential impact of the restriction provisions proposed under Nevada Senate Bill 471. This study concludes with a general discussion about policy implications that can be derived from the results, an overview of the limitations of the current study - including suggestions for future research, and a brief conclusion.

Policy Implications

The implied goals of the restriction provisions of Senate Bill 471 are to increase the safety of the public, particularly children, and reduce the potential for victimization. If such restriction laws do, in fact, accomplish their goals, then the number of sex offenses against children should decrease if Senate Bill 471 is signed into law. Crime pattern theory helps to explain why residency and mobility restrictions should decrease crime. Limiting offender mobility reduces offenders' awareness space, thus reducing offenders' knowledge of, and access to, potential victims. The results suggest that the proposed exclusion zones could potentially significantly limit offenders' action and awareness spaces, since 24% of the city's area and 48% of street segments would be deemed off-limits to sex offenders. However, if these laws are seen as too restrictive or
unenforceable, exclusion zones may be disregarded by those who must enforce or adhere to these restrictions. Sex offenders’ inability to adhere to unreasonable conditions of release could increase offenders’ isolation and perhaps increase the potential for recidivism (Levenson & Cotter, 2005).

Parole and probation officers act as handlers by providing social services and supervision for sex offenders in an effort to reduce recidivism. The parole and probation office in Las Vegas is located within a 500-foot exclusion zone. This suggests that some of the conditions that would be created by the proposed Bill could counteract the goal of reducing recidivism. Limiting access to offender handlers is clearly an unintended consequence of the Bill’s provisions. A probation officer’s goal is to encourage offender involvement in social activities, such as school or employment, support interaction with family and peers, and discourage involvement in illegal behaviors, such as doing drugs (Hepburn & Griffin, 2004). Without the support and supervision of a probation officer, an offender is more likely to re-offend. The location of the office in a restricted zone provides some evidence to suggest that at least some aspects of these restrictions may be seen as unenforceable or unreasonable.

The 1,000-foot residency restriction of Senate Bill 471 is meant to reduce the likelihood of victimization by limiting the proximity and exposure of children to sex offenders. The provisions of the Bill render approximately 73% of the potential housing parcels off-limits to sex offenders. With such a large percentage of restricted residential parcels, it is not surprising that 72% of currently registered Tier III offenders would have to find a new place of residence if this Bill was signed into law. If the offenders could not secure a new place of residence, the likely outcome would be homelessness or failure to
register. If homeless, the offenders are less likely to be monitored by handlers and therefore may pose a greater risk to the community. If they do not register with the proper authorities, they will not be listed on the sex offender registry. This will reduce the awareness and effectiveness of guardians, or parents, of the potential child victims. It will also reduce the awareness and effectiveness of place managers (e.g., school principals) who will not have access to the names, addresses, or pictures of nearby sex offenders. In addition, if the offender has to move away from supportive friends or family members or find a new place of employment, there will be yet another reduction in handlers who help to monitor offenders' behaviors. If they are unable to find a new place of employment, this will increase the amount of time offenders will spend unsupervised and increase levels of unstructured time, allowing the offenders more time and opportunities to identify potential victims. In addition, Hepburn and Griffin (2004) found that sex offenders having full-time employment were about half as likely as those offenders with less than full-time employment to be “terminated unsuccessfully from probation” (Hepburn & Griffin, 2004, p. 68).

The situational crime prevention framework suggests that exclusion zones may reduce proximity and exposure to potential victims; thus, offenders will be less tempted to re-offend. Exclusion zones remove the excuses offenders may use to justify why they are in or near places were children congregate. Supervision of exclusion zones could increase the risk that offenders will be detected in these areas. In addition, these zones may increase the effort it will take for an offender to identify a suitable target. Altering the opportunity structure for these offenses by reducing temptation and excuses, and increasing the risk and effort, allows for the potential reduction of victimization in
particular places. The finding that approximately 44% of child molestation calls for service occurred within 500 feet of a restricted location seems to suggest that this law could substantially reduce the number of sex offenses committed against children if properly implemented and enforced. However, there is reason to question the validity of this assertion.

The contention that sex offenses against children would be reduced by 44% following the implementation of exclusion zones relies on several faulty assumptions. It must be assumed that (1) all of the offenders encountered their victims in the restricted areas or committed their offenses in these locations, (2) the call for service to the police originated from the encounter or offense location, and (3) offenders will be willing and able to abide by the restrictions. Research suggests that sex offenders often have personal access to their victims. A study conducted by the Southern Nevada Sex Offender Management Task Force (2008) found that 17.4% of sex offenders in southern Nevada had been convicted of sexually abusing their own children. The Task Force also reported that 21.7% of convicted sex offenders were currently living in households with children. The Bureau of Justice Statistics (2000) reported that only 7% of sex offenses against juveniles were committed by strangers. Thus, many offenders gain access to victims outside of places where children congregate. Also, not all offenses are discovered and reported immediately. The call for service location may not accurately represent the offense location. In addition, the exclusion zones must be enforceable; the findings from this study suggest that this may be a difficult task. Even if the restriction zones could be properly supervised, it is impossible to know at this juncture whether the restriction zones will reduce victimizations or simply displace them to unrestricted locations.
Study Limitations and Avenues for Future Research

There are at least five major limitations to the current study that could be addressed in future research. First, the data did not allow a complete assessment of the degree to which employment and social service opportunities in Las Vegas would be limited by the proposed law. While it would be difficult to produce an accurate estimate of these limitations, it may be possible to identify the percentage of businesses with employment opportunities that fall within the exclusion zones. Similarly, restrictions on access to other social services, such as homeless shelters and food banks, could be examined.

Second, the impact of the law on juvenile sex offenders could not be explored. Home and work addresses for supervised juvenile sex offenders are not available to the public. Similar restrictions are placed on child molestation calls for service data. The available police data do not include offenses committed by juvenile offenders. Future research should examine the impact residency restriction and exclusion zones may have on juvenile offenders, particularly those offenders still in high school who must enter a restricted location to attend school.

Third, the calls for service data used in the current study may not accurately reflect where the incidents of molestation occurred. Incidents may be reported from other locations after the offense is discovered. Access to police reports in future research will help to determine how much error is associated with using this type of data and will likely provide more accurate estimates of incident locations.

Fourth, a single city in Nevada was used to assess the potential impact of the law. The impact of the proposed restrictions may vary across cities based on differences in the spatial distribution of places deemed off-limits to offenders relative to the location of
housing, social services, and transportation networks. Future research should study how the impact of restriction laws varies across places.

Fifth, not all bus stops are represented in the data. The geocoding success rate for the bus stops was 93.4%. Therefore, the resulting 500-foot and 1,000-foot buffers created around the restricted locations should be considered a conservative estimate of the total area restricted from sex offenders. Future research should examine the impact of the all bus stops in Las Vegas if additional information can be obtained to pinpoint the actual locations of these stops.

Concluding Thoughts

Despite the limitations of this study, the analyses show that the implementation of the restriction provisions of Senate Bill 471 would greatly limit sex offenders’ mobility, housing, and employment options in Las Vegas. Although 23% of the city would be off-limits to offenders, about half of the street segments would be restricted. The spatial distribution of exclusion zones would make finding legal routes to travel through the city difficult, if not impossible. Offenders would have to “zigzag” through the city in order to arrive at any particular destination. Some destinations that provide rehabilitation or monitoring services, such as parole and probation offices, would be completely restricted since these places fall within the boundaries of exclusion zones.

As mentioned previously, the largest concentration of housing parcels that do not fall within a residency restriction zone are located in the senior living community, Sun City. Apart from that, there are no other large blocks of available housing. While 27% of
housing parcels are not restricted, we cannot assume that these places are available for purchase or rent or that offenders could afford to live in these places.

With large portions of the city and transportation networks deemed off-limits to offenders, employment opportunities for sex offenders will also be limited. Several negative consequences could stem from these limitations: increased unemployment in Nevada, less offender supervision, and more opportunities for offenders to offend. If offenders cannot obtain suitable employment, they may be more likely to re-offend due to stress and may even refuse to register, go into hiding, or not be willing to abide by the restriction provisions in Senate Bill 471. As noted previously, when sex offenders cannot be monitored, the risk to the community could increase.

As a society, we must determine what we hope to achieve by creating residency and mobility restrictions for sex offenders. If the goal of such statutes is to increase the safety of children and reduce the potential for victimization, then we must remain cognizant of the impact these laws will have on offenders. Exclusion zones are designed to reduce offender interactions with potential victims, but these restrictions can also hinder our attempts to successfully rehabilitate sex offenders and reintegrate them back into society. If we propose overly restrictive laws without the intent to assist offender rehabilitation or reintegration, then these laws may represent nothing more than an attempt to “banish” these offenders from our communities.

Sex offender restriction laws need to balance two seemingly conflicting goals: (1) the desire to protect the public from high-risk sex offenders and (2) the need to rehabilitate and protect offenders’ rights as citizens. Laws that restrict offender mobility need to be carefully constructed so that both goals are achieved. Laws should be designed to protect
children from high-risk sex offenders without restricting offenders’ efforts to successfully reintegrate after incarceration. Although laws such as the one proposed in Nevada are meant to protect children and society, they may produce unintended consequences such as severe limitations to mobility, denial of access to social services, lack of available housing, and forced relocation of residence and place of employment. Before such laws are enacted, legislators should incorporate findings from scientific research that draws attention to the unintended consequences these restriction laws may produce. The goals of child safety and offender reintegration may best be achieved through direct supervision of offenders and children in high-risk locations rather than the creation of arbitrary and unenforceable large-scale restrictions.
REFERENCES


Nevada Statutes § 179D.097. (2008). Registration of Sex Offenders and Offenders Convicted of a Crime Against a Child; Community Notification of Sex Offenders.

Nevada Statutes § 179D.550. (2008). Registration of Sex Offenders and Offenders Convicted of a Crime Against a Child; Community Notification of Sex Offenders.


APPENDIX

SENATE BILL NO. 471 – COMMITTEES ON JUDICIARY AND FINANCE

Chapter..........

AN ACT relating to public safety; revising the provisions concerning certain sex offenders who are on lifetime supervision or released on parole, probation or a suspended sentence; requiring incarcerated sex offenders and offenders convicted of a crime against a child to register with a local law enforcement agency before being released from prison; requiring sex offenders and offenders convicted of a crime against a child who have not provided a biological specimen to provide a biological specimen at the time of registration with a local law enforcement agency; increasing the minimum sentence for certain sexual offenses committed against a child; revising the penalty for a violation of a condition imposed pursuant to the program of lifetime supervision; revising provisions concerning the procedures for meetings to consider prisoners for parole; making various other changes to provisions relating to certain offenders; providing penalties; making appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:
Existing law sets forth certain conditions to be imposed on sex offenders placed under a program of lifetime supervision or released on parole, probation or a suspended sentence. (NRS 176A.410, 213.1243, 213.1245, 213.1255) Under sections 2, 8 and 10 of this bill, if an offender is: (1) convicted of certain crimes against a child under the age of 14 years; (2) a Tier 3 offender; and (3) placed under a program of lifetime supervision or released on parole, probation or a suspended sentence, the offender must not establish a residence within 1,000 feet of certain locations frequented primarily by children and must be placed under a system of active electronic monitoring if the Chief Parole and Probation Officer deems such monitoring appropriate. Sections 2, 8 and 10 also require an offender placed under a system of active electronic monitoring to pay to the extent of his ability any costs associated with such monitoring and prohibit a person from removing or disabling an electronic monitoring device without authorization.
In addition, sections 2, 8 and 9 of this bill prohibit certain sex offenders from being within 500 feet of certain locations frequented primarily by children. Section 8 also requires a court that issues an arrest warrant for a violation of a condition imposed pursuant to the program of lifetime supervision to transmit notice of the issuance of the
warrant to the Central Repository for Nevada Records of Criminal History within 3 business days.

Existing law requires a sex offender or an offender convicted of a crime against a child to register with a local law enforcement agency within 48 hours after arriving or establishing a residence in the jurisdiction of the local law enforcement agency. (NRS 179D.240, NRS 179D.460) **Section 3** of this bill requires an incarcerated offender convicted of a crime against a child to register, before being released from prison, with the appropriate local law enforcement agency in whose jurisdiction the offender will be a resident offender upon release. **Section 5** of this bill requires an incarcerated sex offender to register, before being released, with the appropriate law enforcement agency in whose jurisdiction the sex offender will be a resident sex offender upon release.

Existing law requires a court to order, at sentencing, that a biological specimen be obtained from a person convicted of certain crimes. (NRS 176.0913) **Section 4** of this bill requires an offender convicted of a crime against a child to provide a biological specimen at the time the offender registers with a local law enforcement agency if the offender has not already provided a biological specimen. **Section 6** of this bill requires a sex offender to provide a biological specimen at the time the sex offender registers with a local law enforcement agency if the sex offender has not already provided a biological specimen.

Existing law establishes the imposition of minimum sentences for certain sexual offenses committed against a child. (NRS 200.366) **Section 7** of this bill increases the minimum number of years that must be served before a person is eligible for parole for committing a sexual assault against a child under the age of 16 years that does not result in substantial bodily harm to the child from 20 to 25 years. **Section 7** also increases the minimum number of years that must be served before a person is eligible for parole for committing a sexual assault against a child under the age of 14 years that does not result in substantial bodily harm to the child from 20 to 35 years.

**Section 10.5** of this bill clarifies the procedure concerning meetings to consider prisoners for parole by specifying that such meetings are quasi-judicial and limited to the rights set forth in statute. In addition, **section 10.5** requires the State Board of Parole Commissioners to provide reasonable notice of a meeting and an opportunity to be present at the meeting to a prisoner who will be considered for parole. Parole may not be denied at a meeting unless the Board has complied with those requirements. **Section 10.5** further provides that a prisoner or his representative must be allowed to speak during a meeting to consider the prisoner for parole and requires the Board to provide written notice of its decision and any recommendations it may have to the prisoner not later than 10 working days after the meeting. (NRS 213.130)

**Sections 11 and 12** of this bill reconcile the provisions of Assembly Bill No. 579 of this session with the provisions of this bill.

**Sections 13 and 14** of this bill make appropriations to the State Motor Pool and the Division of Parole and Probation of the Department of Public Safety.

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

**Section 1.** NRS 176.0926 is hereby amended to read as follows:
If a defendant is convicted of a crime against a child, the court shall, following the imposition of a sentence:

(a) Notify the Central Repository of the conviction of the defendant, so the Central Repository may carry out the provisions for registration of the defendant pursuant to NRS 179D.230.

(b) Inform the defendant of the requirements for registration, including, but not limited to:

   (1) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.240;
   (2) The duty to register in any other jurisdiction, including, without limitation, any jurisdiction outside the United States, during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;
   (3) If he moves from this State to another jurisdiction, including, without limitation, any jurisdiction outside the United States, the duty to register with the appropriate law enforcement agency in the other jurisdiction;
   (4) The duty to notify the local law enforcement agency in whose jurisdiction he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, including, without limitation, any jurisdiction outside the United States, or changes the primary address at which he is a student or worker; and
   (5) The duty to notify immediately the appropriate local law enforcement agency if the defendant is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the defendant is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

(c) Require the defendant to read and sign a form confirming that the requirements for registration have been explained to him.

2. The failure to provide the defendant with the information or confirmation form required by paragraphs (b) and (c) of subsection 1 does not affect the duty of the defendant to register and to comply with all other provisions for registration pursuant to NRS 179D.200 to 179D.290, inclusive.

Sec. 2. NRS 176A.410 is hereby amended to read as follows:

176A.410 1. Except as otherwise provided in subsection ë, if a defendant is convicted of a sexual offense and the court grants probation or suspends the sentence, the court shall, in addition to any other condition ordered pursuant to NRS 176A.400, order as a condition of probation or suspension of sentence that the defendant:

(a) Submit to a search and seizure of his person, residence or vehicle or any property under his control, at any time of the day or night, without a warrant, by any parole and
probation officer or any peace officer, for the purpose of determining whether the
defendant has violated any condition of probation or suspension of sentence or committed
any crime.

(b) Reside at a location only if 

(1) The residence has been approved by the parole and
probation officer assigned to the defendant.

(2) The defendant keeps the parole and probation officer assigned to the defendant
informed of his current address.

(c) Accept a position of employment or a position as a volunteer only if it has been
approved by the parole and probation officer assigned to the defendant and keep the
parole and probation officer informed of the location of his position of employment or
position as a volunteer.

(d) Abide by any curfew imposed by the parole and probation officer assigned to the
defendant.

(e) Participate in and complete a program of professional counseling approved by the
Division.

(f) Submit to periodic tests, as requested by the parole and probation officer assigned to
the defendant, to determine whether the defendant is using a controlled substance.

(g) Submit to periodic polygraph examinations, as requested by the parole and probation
officer assigned to the defendant.

(h) Abstain from consuming, possessing or having under his control any alcohol.

(i) Not have contact or communicate with a victim of the sexual offense or a witness who
testified against the defendant or solicit another person to engage in such contact or
communication on behalf of the defendant, unless approved by the parole and probation
officer assigned to the defendant, and a written agreement is entered into and signed in
the manner set forth in subsection 5.

(j) Not use aliases or fictitious names.

(k) Not obtain a post office box unless the defendant receives permission from the parole
and probation officer assigned to the defendant.

(l) Not have contact with a person less than 18 years of age in a secluded environment
unless another adult who has never been convicted of a sexual offense is present and
permission has been obtained from the parole and probation officer assigned to the
defendant in advance of each such contact.

(m) Unless approved by the parole and probation officer assigned to the defendant and by
a psychiatrist, psychologist or counselor treating the defendant, if any, not:

(1) Knowingly be within 500 feet of any place, or if the place is a structure, within
500 feet of the actual structure, that is designed primarily for use by or for children,
including, without limitation, a public or private school, a school bus stop, a center or
facility that provides day care services, a video arcade, an amusement park, a
playground, a park, a school or school grounds;

(2) An athletic field or a facility for youth sports, or a motion picture theater;

(3) A business that primarily has children as customers or conducts events that primarily
children attend.

The provisions of this paragraph apply only to a defendant who is a Tier 3 offender.
(n) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(o) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the defendant.

(p) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the defendant.

(q) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device or such access is approved by the parole and probation officer assigned to the defendant.

(r) Inform the parole and probation officer assigned to the defendant if the defendant expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, “institution of higher education” has the meaning ascribed to it in NRS 179D.045.

2. Except as otherwise provided in subsection 6, if a defendant is convicted of an offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the defendant is a Tier 3 offender and the court grants probation or suspends the sentence of the defendant, the court shall, in addition to any other condition ordered pursuant to subsection 1, order as a condition of probation or suspension of sentence that the defendant:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief Parole and Probation Officer, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.

(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.

3. A defendant placed under the system of active electronic monitoring pursuant to subsection 2 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.

4. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a defendant pursuant to this section is guilty of a gross misdemeanor. The provisions of
this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

5. A written agreement entered into pursuant to paragraph (i) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:
(a) The victim or the witness;
(b) The defendant;
(c) The parole and probation officer assigned to the defendant;
(d) The psychiatrist, psychologist or counselor treating the defendant, victim or witness, if any; and
(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

6. The court is not required to impose a condition of probation or suspension of sentence listed in subsections 1 and 2 if the court finds that extraordinary circumstances are present and the court enters those extraordinary circumstances in the record.

7. As used in this section, “sexual offense” has the meaning ascribed to it in NRS 179D.410.

Sec. 3. NRS 179D.230 is hereby amended to read as follows: 179D.230 1. If the Central Repository receives notice from a court pursuant to NRS 176.0926 that an offender has been convicted of a crime against a child, the Central Repository shall:
(a) If a record of registration has not previously been established for the offender, notify the local law enforcement agency so that a record of registration may be established; or
(b) If a record of registration has previously been established for the offender, update the record of registration for the offender and notify the appropriate local law enforcement agencies.

2. If the offender named in the notice is granted probation or otherwise will not be incarcerated or confined, the Central Repository shall immediately provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

3. If an offender is incarcerated or confined and has previously been convicted of a crime against a child, before the offender is released:
(a) The Department of Corrections or a local law enforcement agency in whose facility the offender is incarcerated or confined shall:
(I) Inform the offender of the requirements for registration, including, but not limited to:
(II) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;
The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he most recently resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

The duty to notify immediately the appropriate local law enforcement agency if the offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the offender; and

(2) Provide notification concerning the offender to the appropriate local law enforcement agencies and, if the offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. If an offender convicted of a crime against a child is incarcerated or confined, before the offender is released, the offender shall register, pursuant to 179D.240, with the appropriate sheriff’s office, metropolitan police department or city police department in whose jurisdiction the offender will be a resident offender.

5. The failure to provide an offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the offender to register and to comply with all other provisions for registration.

6. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that an offender convicted of a crime against a child is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the offender to the appropriate local law enforcement agencies; and

(b) Establish a record of registration for the offender with the assistance of the local law enforcement agency.

Sec. 4. NRS 179D.240 is hereby amended to read as follows:

179D.240 1. In addition to any other registration that is required pursuant to NRS 179D.230, each offender who, after July 1, 1956, is or has been convicted of a crime against a child shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,

the offender shall be deemed a resident offender and shall register with the sheriff’s office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.
3. If the offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the offender shall be deemed a resident offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the offender is a nonresident offender who is a student or worker within this State, the offender shall register with the appropriate sheriff’s office, metropolitan police department or city police department in whose jurisdiction he is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident offender shall immediately notify the appropriate local law enforcement agency if:

(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

• The offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the offender shall:

(a) [Appear] Unless the offender is incarcerated or confined and required to register pursuant to subsection 4 of NRS 179D.230, appear personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints and a photograph; [and]

(c) If the offender has not provided a biological specimen pursuant to NRS 176.0913 or 176.0916, provide a biological specimen to the local law enforcement agency; and

(d) Sign and date the record of registration or some other proof of registration in the presence of an officer of the local law enforcement agency [•] or in the presence of an officer of the institution or facility in which the offender is incarcerated or confined.

7. If an offender convicted of a crime against a child must provide a biological specimen pursuant to paragraph (c) of subsection 6, the local law enforcement agency shall arrange for the biological specimen to be obtained from the offender. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender resides or is present to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

8. When an offender registers, the local law enforcement agency shall:

(a) Inform the offender of the duty to notify the local law enforcement agency if the offender changes the address at which he resides or changes the primary address at which he is a student or worker; and

(b) Inform the offender of the duty to register with the local law enforcement agency in whose jurisdiction the offender relocates.

9. After the offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the offender.
10. If the Central Repository has not previously established a record of registration for an offender described in subsection 9, the Central Repository shall:
(a) Establish a record of registration for the offender; and
(b) Provide notification concerning the offender to the appropriate local law enforcement agencies.

11. When an offender notifies a local law enforcement agency that:
(a) The offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or
(b) The offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,
• and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 5. NRS 179D.450 is hereby amended to read as follows:
179D.450 1. If the Central Repository receives notice from a court pursuant to NRS 176.0927 that a sex offender has been convicted of a sexual offense or pursuant to NRS 62F.250 that a juvenile sex offender has been deemed to be an adult sex offender, the Central Repository shall:
(a) If a record of registration has not previously been established for the sex offender, notify the local law enforcement agency so that a record of registration may be established; or
(b) If a record of registration has previously been established for the sex offender, update the record of registration for the sex offender and notify the appropriate local law enforcement agencies.

2. If the sex offender named in the notice is granted probation or otherwise will not be incarcerated or confined or if the sex offender named in the notice has been deemed to be an adult sex offender pursuant to NRS 62F.250 and is not otherwise incarcerated or confined:
(a) The Central Repository shall immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender resides in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction; and
(b) If the sex offender is subject to community notification, the Central Repository shall arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.

3. If a sex offender is incarcerated or confined and has previously been convicted of a sexual offense as described in NRS 179D.410, before the sex offender is released:
(a) The Department of Corrections or a local law enforcement agency in whose facility the sex offender is incarcerated or confined shall:
(1) Inform the sex offender of the requirements for registration, including, but not limited to:
(I) The duty to register in this State during any period in which he is a resident of this State or a nonresident who is a student or worker within this State and the time within which he is required to register pursuant to NRS 179D.460;

(II) The duty to register in any other jurisdiction during any period in which he is a resident of the other jurisdiction or a nonresident who is a student or worker within the other jurisdiction;

(III) If he moves from this State to another jurisdiction, the duty to register with the appropriate law enforcement agency in the other jurisdiction;

(IV) The duty to notify the local law enforcement agency for the jurisdiction in which he now resides, in person, and the jurisdiction in which he formerly resided, in person or in writing, if he changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and

(V) The duty to notify immediately the appropriate local law enforcement agency if the sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education or if the sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education; and

(2) Require the sex offender to read and sign a form confirming that the requirements for registration have been explained to him and to forward the form to the Central Repository.

(b) The Central Repository shall:

(1) Update the record of registration for the sex offender;

(2) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive; and

(3) Provide notification concerning the sex offender to the appropriate local law enforcement agencies and, if the sex offender will reside upon release in a jurisdiction which is outside of this State, to the appropriate law enforcement agency in that jurisdiction.

4. If a sex offender is incarcerated or confined, before the sex offender is released, the sex offender shall register, pursuant to NRS 179D.460, with the appropriate sheriff's office, metropolitan police department or city police department in whose jurisdiction the sex offender will be a resident sex offender.

5. The failure to provide a sex offender with the information or confirmation form required by paragraph (a) of subsection 3 does not affect the duty of the sex offender to register and to comply with all other provisions for registration.

5. If the Central Repository receives notice from another jurisdiction or the Federal Bureau of Investigation that a sex offender is now residing or is a student or worker within this State, the Central Repository shall:

(a) Immediately provide notification concerning the sex offender to the appropriate local law enforcement agencies;

(b) Establish a record of registration for the sex offender; and
(c) If the sex offender is subject to community notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.

Sec. 6. NRS 179D.460 is hereby amended to read as follows: 179D.460 1. In addition to any other registration that is required pursuant to NRS 179D.450, each sex offender who, after July 1, 1956, is or has been convicted of a sexual offense shall register with a local law enforcement agency pursuant to the provisions of this section.

2. Except as otherwise provided in subsection 3, if the sex offender resides or is present for 48 hours or more within:

(a) A county; or

(b) An incorporated city that does not have a city police department,

• the sex offender shall be deemed a resident sex offender and shall register with the sheriff’s office of the county or, if the county or the city is within the jurisdiction of a metropolitan police department, the metropolitan police department, not later than 48 hours after arriving or establishing a residence within the county or the city.

3. If the sex offender resides or is present for 48 hours or more within an incorporated city that has a city police department, the sex offender shall be deemed a resident sex offender and shall register with the city police department not later than 48 hours after arriving or establishing a residence within the city.

4. If the sex offender is a nonresident sex offender who is a student or worker within this State, the sex offender shall register with the appropriate sheriff’s office, metropolitan police department or city police department in whose jurisdiction he is a student or worker not later than 48 hours after becoming a student or worker within this State.

5. A resident or nonresident sex offender shall immediately notify the appropriate local law enforcement agency if:

(a) The sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or

(b) The sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education.

• The sex offender shall provide the name, address and type of each such institution of higher education.

6. To register with a local law enforcement agency pursuant to this section, the sex offender shall:

(a) [Appeal] Unless the sex offender is incarcerated or confined and required to register pursuant to subsection 4 of NRS 179D.450, appear personally at the office of the appropriate local law enforcement agency;

(b) Provide all information that is requested by the local law enforcement agency, including, but not limited to, fingerprints and a photograph; and

(c) If the sex offender has not provided a biological specimen pursuant to NRS 176.0913 or 176.0916, provide a biological specimen to the local law enforcement agency; and

(d) Sign and date the record of registration or some other proof of registration of the local law enforcement agency
or in the presence of an officer of the institution or facility in which the sex offender is incarcerated or confined.

7. If a sex offender must provide a biological specimen pursuant to paragraph (c) of subsection 6, the local law enforcement agency shall arrange for the biological specimen to be obtained from the sex offender. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the sex offender resides or is present to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

8. When a sex offender registers, the local law enforcement agency shall:
(a) Inform the sex offender of the duty to notify the local law enforcement agency if the sex offender changes the address at which he resides, including if he moves from this State to another jurisdiction, or changes the primary address at which he is a student or worker; and
(b) Inform the sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender relocates.

9. After the sex offender registers with the local law enforcement agency, the local law enforcement agency shall forward to the Central Repository the information collected, including the fingerprints and a photograph of the sex offender.

10. If the Central Repository has not previously established a record of registration for a sex offender described in subsection 9, the Central Repository shall: (a) Establish a record of registration for the sex offender;
(b) Provide notification concerning the sex offender to the appropriate local law enforcement agencies; and
(c) If the sex offender is subject to community notification and has not otherwise been assigned a level of notification, arrange for the assessment of the risk of recidivism of the sex offender pursuant to the guidelines and procedures for community notification established by the Attorney General pursuant to NRS 179D.600 to 179D.800, inclusive.

11. When a sex offender notifies a local law enforcement agency that:
(a) The sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education; or
(b) The sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of his work at an institution of higher education,
and provides the name, address and type of each such institution of higher education, the local law enforcement agency shall immediately provide that information to the Central Repository and to the appropriate campus police department.

Sec. 7. NRS 200.366 is hereby amended to read as follows:
200.366 1. A person who subjects another person to sexual penetration, or who forces another person to make a sexual penetration on himself or another, or on a beast, against the will of the victim or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of sexual assault.
2. Except as otherwise provided in subsections 3 and 4, a person who commits a sexual assault is guilty of a category A felony and shall be punished:
   (a) If substantial bodily harm to the victim results from the actions of the defendant committed in connection with or as a part of the sexual assault, by imprisonment in the state prison:
      (1) For life without the possibility of parole; or
      (2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served.
   (b) If no substantial bodily harm to the victim results, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served.

3. Except as otherwise provided in subsection 4, a person who commits a sexual assault against a child under the age of 16 years is guilty of a category A felony and shall be punished:
   (a) If the crime results in substantial bodily harm to the child, by imprisonment in the state prison for life without the possibility of parole.
   (b) Except as otherwise provided in paragraph (c), if the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 25 years has been served.
   (c) If the crime is committed against a child under the age of 14 years and does not result in substantial bodily harm to the child, by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 35 years has been served.

4. A person who commits a sexual assault against a child under the age of 16 years and who has been previously convicted of:
   (a) A sexual assault pursuant to this section or any other sexual offense against a child; or
   (b) An offense committed in another jurisdiction that, if committed in this State, would constitute a sexual assault pursuant to this section or any other sexual offense against a child,
      • is guilty of a category A felony and shall be punished by imprisonment in the state prison for life without the possibility of parole.

5. For the purpose of this section, “other sexual offense against a child” means any act committed by an adult upon a child constituting:
   (a) Incest pursuant to NRS 201.180;
   (b) Lewdness with a child pursuant to NRS 201.230;
   (c) Sado-masochistic abuse pursuant to NRS 201.262; or
   (d) Luring a child using a computer, system or network pursuant to NRS 201.560, if punished as a felony.

Sec. 8. NRS 213.1243 is hereby amended to read as follows:
213.1243 1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.
2. Lifetime supervision shall be deemed a form of parole for:
3. Except as otherwise provided in subsection 8, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.

4. Except as otherwise provided in subsection 8, if a sex offender is convicted of a sexual offense listed in subsection 6 of NRS 213.1255 against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:
   (a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.
   (b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.
   (c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.

5. A sex offender placed under the system of active electronic monitoring pursuant to subsection 3 shall:
   (a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.
   (b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.
   (c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.

6. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.
7. **Except as otherwise provided in subsection 6, a sex offender** who commits a violation of a condition imposed on him pursuant to the program of lifetime supervision is guilty of:

(a) If the violation constitutes a minor violation, a misdemeanor.

(b) If the violation constitutes a major violation, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

8. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3 and 4 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

9. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.

10. For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to NRS 176.0931 is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

5. As used in this section:

(a) "Major violation" means a violation which poses a threat to the safety or well-being of others and which involves:

1. The commission of any crime that is punishable as a gross misdemeanor or felony or any crime that involves a victim who is less than 18 years of age;

2. The use of a deadly weapon, explosives or a firearm;

3. The use or threatened use of force or violence against a person;

4. Death or bodily injury of a person;

5. An act of domestic violence;

6. Harassment, stalking or threats of any kind; or

7. The forcible or unlawful entry of a home, building, structure or vehicle in which a person is present.

(b) "Minor violation" means a violation that does not constitute a major violation.

Sec. 9. NRS 213.1245 is hereby amended to read as follows:

213.1245 1. Except as otherwise provided in subsection 3, if the Board releases on parole a prisoner convicted of an offense listed in NRS 179D.620, the Board shall, in addition to any other condition of parole, require as a condition of parole that the parolee:

(a) Reside at a location only if [H]:

1. The residence has been approved by the parole and probation officer assigned to the parolee.

2. The parolee keeps the parole and probation officer informed of his current address.

[H]
(b) Accept a position of employment or a position as a volunteer only if it has been approved by the parole and probation officer assigned to the parolee and keep the parole and probation officer informed of the location of his position of employment or position as a volunteer.

c) Abide by any curfew imposed by the parole and probation officer assigned to the parolee.

d) Participate in and complete a program of professional counseling approved by the Division.

e) Submit to periodic tests, as requested by the parole and probation officer assigned to the parolee, to determine whether the parolee is using a controlled substance.

(f) Submit to periodic polygraph examinations, as requested by the parole and probation officer assigned to the parolee.

(g) Abstain from consuming, possessing or having under his control any alcohol.

(h) Not have contact or communicate with a victim of the offense or a witness who testified against the parolee or solicit another person to engage in such contact or communication on behalf of the parolee, unless approved by the parole and probation officer assigned to the parolee, and a written agreement is entered into and signed in the manner set forth in subsection 2.

(i) Not use aliases or fictitious names.

(j) Not obtain a post office box unless the parolee receives permission from the parole and probation officer assigned to the parolee.

(k) Not have contact with a person less than 18 years of age in a secluded environment unless another adult who has never been convicted of an offense listed in NRS 179D.410 is present and permission has been obtained from the parole and probation officer assigned to the parolee in advance of each such contact.

(l) Unless approved by the parole and probation officer assigned to the parolee and a psychiatrist, psychologist or counselor treating the parolee, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, a school or school grounds; an athletic field or a facility for youth sports, or a motion picture theater; or a business that primarily has children as customers or conducts events that primarily children attend. The provisions of this paragraph apply only to a parolee who is a Tier 3 offender.

(m) Comply with any protocol concerning the use of prescription medication prescribed by a treating physician, including, without limitation, any protocol concerning the use of psychotropic medication.

(n) Not possess any sexually explicit material that is deemed inappropriate by the parole and probation officer assigned to the parolee.

(o) Not patronize a business which offers a sexually related form of entertainment and which is deemed inappropriate by the parole and probation officer assigned to the parolee.

(p) Not possess any electronic device capable of accessing the Internet and not access the Internet through any such device or any other means, unless possession of such a device
or such access is approved by the parole and probation officer assigned to the parolee. \[and\]

(q) Inform the parole and probation officer assigned to the parolee if the parolee expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of his enrollment at an institution of higher education. As used in this paragraph, "institution of higher education" has the meaning ascribed to it in NRS 179D.045.

2. A written agreement entered into pursuant to paragraph (h) of subsection 1 must state that the contact or communication is in the best interest of the victim or witness, and specify the type of contact or communication authorized. The written agreement must be signed and agreed to by:

(a) The victim or the witness;
(b) The parolee;
(c) The parole and probation officer assigned to the parolee;
(d) The psychiatrist, psychologist or counselor treating the parolee, victim or witness, if any; and
(e) If the victim or witness is a child under 18 years of age, each parent, guardian or custodian of the child.

3. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

Sec. 10. NRS 213.1255 is hereby amended to read as follows:

213.1255 1. Except as otherwise provided in subsection 4, in addition to any conditions of parole required to be imposed pursuant to NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection 6 against a child under the age of 14 years and who is a Tier 3 offender, the Board shall require that the parolee:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his location and producing, upon request, reports or records of his presence near or within a crime scene or prohibited area or his departure from a specified geographic location.

(c) Pay any costs associated with his participation under the system of active electronic monitoring, to the extent of his ability to pay.

2. A parolee placed under the system of active electronic monitoring pursuant to subsection 1 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.
(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.
(c) Abide by any other conditions set forth by the Division with regard to his participation under the system of active electronic monitoring.

3. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a parolee pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

4. The Board is not required to impose a condition of parole listed in subsection 1 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

5. In addition to any conditions of parole required to be imposed pursuant to subsection 1 and NRS 213.1245, as a condition of releasing on parole a prisoner who was convicted of committing an offense listed in subsection [2] 6 against a child under the age of 14 years, the Board shall, when appropriate:
(a) Require the parolee to participate in psychological counseling.
(b) Prohibit the parolee from being alone with a child unless another adult who has never been convicted of a sexual offense is present.
(c) Prohibit the parolee from being on or near the grounds of any place that is primarily designed for use by or for children, including, without limitation, a public or private school, a center or facility that provides day care services, a video arcade, and an amusement park.

6. The provisions of subsections 1 and 5 apply to a prisoner who was convicted of:
(a) Sexual assault pursuant to paragraph (c) of subsection 3 of NRS 200.366;
(b) Abuse or neglect of a child pursuant to subparagraph (1) of paragraph (a) of subsection 1 or subparagraph (1) of paragraph (a) of subsection 2 of NRS 200.508;
(c) An offense punishable pursuant to subsection 2 of NRS 200.750;
(d) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 201.195;
(e) Lewdness with a child pursuant to NRS 201.230;
(f) Luring a child or mentally ill person pursuant to NRS 201.560, if punished as a felony;
or
(g) Any combination of the crimes listed in paragraphs (a) to (f), inclusive.

Sec. 10.5. NRS 213.130 is hereby amended to read as follows:
213.130 1. The Department of Corrections shall:
(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;
(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and
(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.
2. If a prisoner is being considered for parole from a sentence imposed for conviction of a crime which involved the use of force or violence against a victim and which resulted in bodily harm to a victim and if original or duplicate photographs that depict the injuries of
the victim or the scene of the crime were admitted at the trial of the prisoner or were part of the report of the presentence investigation and are reasonably available, a representative sample of such photographs must be included with the information submitted to the Board at the meeting. A prisoner may not bring a cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees for any action that is taken pursuant to this subsection or for failing to take any action pursuant to this subsection, including, without limitation, failing to include photographs or including only certain photographs. As used in this subsection, "photograph" includes any video, digital or other photographic image.

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. All meetings are quasi-judicial and must be open to the public. No rights other than those conferred pursuant to this section or pursuant to specific statute concerning meetings to consider prisoners for parole are available to any person with respect to such meetings.

4. Not later than 5 days after the date on which the Board fixes the date of the meeting to consider a prisoner for parole, the Board shall notify the victim of the prisoner who is being considered for parole of the date of the meeting and of his rights pursuant to this subsection, if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board. The victim of a prisoner being considered for parole may submit documents to the Board and may testify at the meeting held to consider the prisoner for parole. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.

5. The Board may deliberate in private after a public meeting held to consider a prisoner for parole.

6. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.

7. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

8. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this section is confidential.

9. The Board must not deny parole to a prisoner unless the prisoner has been given reasonable notice of the meeting and the opportunity to be present at the meeting. If the Board fails to provide notice of the meeting to the prisoner or to provide the prisoner with an opportunity to be present and determines that it may deny parole, the Board may reschedule the meeting.

10. During a meeting to consider a prisoner for parole, the Board shall allow the prisoner:

(a) At his own expense, to have a representative present with whom he may confer; and

(b) To speak on his own behalf or to have his representative speak on his behalf.
11. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.

12. For the purposes of this section, “victim” has the meaning ascribed to it in NRS 213.005.

Sec. 11. Section 26 of Assembly Bill No. 579 of this session is hereby amended to read as follows:

Sec. 26. When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.460 or 179D.480 or section 27 of this act, or updates his registration as required pursuant to section 28 of this act:

1. The offender or sex offender shall provide the local law enforcement agency with the following:
   (a) The name of the offender or sex offender and all aliases that he has used or under which he has been known;
   (b) The social security number of the offender or sex offender;
   (c) The address of any residence or location at which the offender or sex offender resides or will reside;
   (d) The name and address of any place where the offender or sex offender is a worker or will be a worker;
   (e) The name and address of any place where the offender or sex offender is a student or will be a student;
   (f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and
   (g) Any other information required by federal law.

2. If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:
   (a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;
   (b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;
   (c) The criminal history of the offender or sex offender, including, without limitation:
      (1) The dates of all arrests and convictions of the offender or sex offender;
      (2) The status of parole, probation or supervised release of the offender or sex offender;
      (3) The status of the registration of the offender or sex offender; and
(4) The existence of any outstanding arrest warrants for the offender or sex offender;
(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender;
(e) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and
(f) Any other information required by federal law.
Sec. 12. Section 27 of Assembly Bill No. 579 of this session is hereby amended to read as follows:
Sec. 27. /.
In addition to any other registration that is required pursuant to NRS 179D.010 to 179D.550, inclusive, and sections 16 to 30, inclusive, of this act, each offender or sex offender who, on or after October 1, 2007, is or has been convicted of a crime against a child or a sexual offense shall register initially with the appropriate local law enforcement agency of the jurisdiction in which the offender or sex offender was convicted pursuant to the provisions of this section.
2. An offender or sex offender shall initially register with a local law enforcement agency as required pursuant to subsection 1:
(a) If the offender or sex offender is sentenced to a term of imprisonment for the crime, before being released from incarceration or confinement for the crime; and
(b) If the offender or sex offender is not sentenced to a term of imprisonment for the crime, not later than 3 business days after the date on which the offender or sex offender was sentenced for the crime.
Sec. 13. 1. There is hereby appropriated from the State General Fund to the State Motor Pool for the Fiscal Year 2007-2008 the sum of $30,112 for the purchase of two motor pool vehicles to be used by the staff employed by the Division of Parole and Probation of the Department of Public Safety for the purpose of carrying out the provisions of this act.
2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2008, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008.
Sec. 14. 1. There is hereby appropriated from the State General Fund to the Division of Parole and Probation of the Department of Public Safety for the purpose of carrying out the provisions of this act the sums of:
For the Fiscal Year 2007-2008..............................$587,115
For the Fiscal Year 2008-2009..............................$245,567
2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2008, and September 18, 2009, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently
granted or transferred, and must be reverted to the State General Fund on or before September 19, 2008, and September 18, 2009, respectively.

**Sec. 15.** The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of sections 4, 6 and 11 of this act.

**Sec. 16.** The amendatory provisions of:
1. Section 2 of this act apply to a person who is granted probation or a suspension of sentence before, on or after October 1, 2007.
2. Section 8 of this act apply to a person who is placed under a program of lifetime supervision before, on or after October 1, 2007; and
3. Sections 9 and 10 of this act apply to a person who is released on parole before, on or after October 1, 2007.

**Sec. 17.** 1. This section becomes effective upon passage and approval. Section 10.5 of this act becomes effective upon passage and approval for the purpose of adopting rules and regulations and establishing any forms necessary to carry out the provisions of that section and on October 1, 2007, for all other purposes.
2. Sections 13 and 14 of this act become effective on July 1, 2007.
3. Sections 1 to 10, inclusive, 15 and 16 of this act become effective on October 1, 2007.
4. Sections 11 and 12 of this act become effective on October 1, 2007, only if Assembly Bill No. 579 of this session becomes effective.
5. Sections 5 and 6 of this act expire by limitation on June 30, 2008.
VITA

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Presentations:


Thesis Title:
An Assessment of Proposed Sex Offender Mobility and Residency Restrictions in Nevada

Thesis Examination Committee:
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Committee Member, Dr. Timothy C. Hart, Ph D.
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