

REGISTRATION OF CONVICTED PERSONS

BILL NO. _____

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 9 OF THE SPARKS MUNICIPAL CODE; REVISING PROVISIONS RELATING TO CONVICTED PERSONS, SEX OFFENDERS AND PERSONS CONVICTED OF NONSEXUAL CRIMES AGAINST CHILDREN; REPEALING PROVISIONS OF THE SPARKS MUNICIPAL CODE PERTAINING TO THE REGISTRATION OF THOSE PERSONS, AND THEREBY MAKING STATE LAW SOLELY APPLICABLE TO SUCH REGISTRATIONS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, state law has required convicted persons, sex offenders and persons convicted of nonsexual crimes against children to register with local sheriffs and police departments for many decades; and

WHEREAS, in 2002 the Sparks City Council, acting upon the request of the Chief of Police, adopted an ordinance which added the additional requirement that sex offenders be issued a registration card by the Chief of Police and that they be required to carry their registration card at all times; and

WHEREAS, the police department has not seen a beneficial effect of the requirement that sex offenders carry a registration card, and the Chief of Police desires to eliminate the requirement that those cards be issued to, and carried by, sex offenders; and

WHEREAS, the elimination of the City's registration ordinance will have no effect on the state law that requires registration of convicted persons, sex offenders and persons convicted of nonsexual crimes against children;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1. Section 9.72.010: "Definitions" is hereby repealed in its entirety.

~~Section 9.72.010 Definitions~~

~~Except as otherwise provided in subsection B, as used in this chapter, the following terms have the following meanings:—~~

~~A. — A "convicted person" means a person:~~

- ~~1. — Who has been convicted in the State of Nevada or convicted in any place other than the State of Nevada of two or more offenses punishable as felonies.—~~
- ~~2. — Who has been convicted in the State of Nevada of an offense punishable as a Category A felony.—~~
- ~~3. — Who has been convicted in the State of Nevada or convicted in any place other than the State of Nevada of a crime that would constitute a Category A felony if committed in this state on July 1, 2003.~~

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- B. ~~For purposes of this chapter, "convicted person" does not include:~~
1. ~~A person who has been convicted of a crime against a child, as defined in SMC 9.73.010, or a sexual offense, as defined in SMC 9.74.010. Those persons are subject to registration pursuant to Chapters 9.73 and 9.74, respectively, of the SMC.~~
 2. ~~Except as otherwise provided in this chapter, a person whose conviction has been set aside in the manner provided by law.~~
- C. ~~A "conviction" does not include any conviction which was the subject of an honorable discharge from probation. It includes all other convictions, including those involving a pardon and those which are the subject of an honorable discharge from parole.~~
- D. ~~A "felony" is a crime which may be punished by imprisonment in the Nevada State Prison. A Category A felony is a felony for which a sentence of death or imprisonment in the state prison for life with or without the possibility of parole may be imposed, as provided by specific statute.~~
- E. ~~A "gross misdemeanor" is a crime punishable by a fine of not more than two thousand dollars, or by imprisonment in a county or city jail for not more than one year, or both.~~
- F. ~~A "misdemeanor" is a crime punishable by a fine of not more than one thousand dollars or by imprisonment in a county or city jail for not more than six months, or both.~~
- ~~(Ord. 898 § 1, 1973: 1962 Code § 25.240.) (Ord. 2216, Amended, 04/12/2004; Ord. 2154, Amended, 11/25/2002)~~

SECTION 2. Section 9.72.020: "Registration required" is hereby repealed in its entirety:

Section 9.72.020 Registration required

- A. ~~It is unlawful for any convicted person to be or remain in the city for a period of more than 48 hours without, during such period, personally appearing at the Sparks Police Department and registering with the chief of police. Such an appearance must be made during the hours designated by the Chief of Police for registering. Every record of registration must be signed by the registrant.~~
- B. ~~Any convicted person who does not reside in the State of Nevada but has a temporary or permanent place of abode outside the State of Nevada and comes into the city on five occasions or more during any thirty day period is subject to the provisions of this chapter.~~
- C. ~~Any person who has once registered as a convicted person with the chief of police shall not be required to register again, except that a person who has registered as a convicted person shall register again as provided in this chapter if he subsequently commits another offense which would, either singly or in combination with any other prior offense, require registration pursuant to this chapter.~~
- ~~(1962 Code § 25.245.) (Ord. 2216, Amended, 04/12/2004; Ord. 2154, Amended, 11/25/2002)~~

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SECTION 3. Section 9.72.030: “Change of residence” is hereby repealed in its entirety:

~~Section 9.72.030 Change of residence~~

- A. ~~Except as provided in subsection B of this section, any convicted person required to register under the provisions of Section 9.72.020 who changes his place of residence, stopping place or living quarters shall, within forty eight hours after such change, notify the chief of police of such fact and furnish to the chief of police the address of his new residence, stopping place or living quarters in the same manner and with the same detailed information as is required in the filing of an original statement.~~
- B. ~~A nonresident referred to in subsection B of Section 9.72.020 is subject to the provisions of subsection A of this section, except that he shall notify the chief of police of such change upon his first entry into the city after the change, not necessarily within forty eight hours after the change.~~

~~(1962 Code § 25.250.)~~

SECTION 4. Section 9.72.040: “Information required” is hereby repealed in its entirety.

~~Section 9.72.040 Information required~~

~~Each person required by Section 9.72.020 to register shall do so by filing with the chief of police a signed written statement upon a form prescribed and furnished by the chief of police giving the following information:~~

- A. ~~His true name and all aliases which he has used or under which he may have been known;~~
- B. ~~A full and complete description of his person;~~
- C. ~~The kind, character and nature of each crime of which he has been convicted;~~
- D. ~~The place where each of such crimes was committed and the place of conviction;~~
- E. ~~The name under which he was convicted in each instance and the date of the conviction;~~
- F. ~~The name and location of each prison, reformatory, jail or other penal institution, if any, in which he was confined or to which he was sentenced;~~
- G. ~~The location and address of each of his residences, stopping places, living quarters or places of abode in the city;~~
- H. ~~A statement of the kind of residence, stopping place or place of abode in which he resides and whether the same is temporary or permanent, i.e., whether the same is a private residence, hotel, apartment house or other building or structure;~~
- I. ~~The length of time he has occupied each place of residence, stopping place or place of abode and the length of time he expects or intends to remain in the city;~~
- J. ~~Such other and further information as may be required by the chief of police for the purpose of aiding in carrying into effect the provisions of this chapter.~~

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~~(1962 Code § 25.255.)~~

SECTION 5. Section 9.72.050: “Photographing and fingerprinting” is hereby repealed in its entirety.

~~Section 9.72.050 Photographing and fingerprinting~~

~~Each convicted person, at the time of registering, shall be photographed and fingerprinted by the chief of police.~~

~~(1962 Code § 25.260.)~~

SECTION 6. Section 9.72.060: “False statements” is hereby repealed in its entirety.

~~Section 9.72.060 False statements~~

- ~~A. — No person required by any provision of this chapter to furnish a statement shall, in such statement, give any false or fictitious address or any address other than a true or intended address, or furnish any false, untrue or misleading information or statement.~~
- ~~B. — The duty to furnish statements is a continuing one. For each day that any person required to furnish a statement fails to do so, such failure constitutes a separate offense, but no person may be convicted of more than one violation for failure, on a series of days, to furnish statements.~~
- ~~C. — Nothing contained in this section bars a prosecution for violation of any provision of this section occurring after a conviction or acquittal of a violation.~~

~~(1962 Code § 25.265.)~~

SECTION 7. Section 9.72.070: “Records” is hereby repealed in its entirety.

~~Section 9.72.070 Records~~

- ~~A. — The statements, photographs and fingerprints required by the provisions of this chapter shall at all times be kept by the chief of police in a file separate and apart from other files and records maintained and kept by the office of the chief of police, and shall not be open to inspection by the public or by any person other than a regular member of the police department.~~
- ~~B. — Any such photograph, or duplicate thereof, may be exhibited to persons other than members of the police department for the purpose of assisting in identifying perpetrators of any crime.~~
- ~~C. — Copies of such statements, photographs and fingerprints may be transmitted to the sheriff of any county in the state, the head of any organized police department of any municipality in the state, the head of any department of the state engaged in the enforcement of any criminal law, the head of any federal law enforcement agency, or any sheriff, chief of~~

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~~police of a municipality or head of any other law enforcement agency in any state or territory outside of the state, if request is made in writing by such sheriff or other head of a law enforcement agency asking for the record of a person named therein, or for the record of a person whose photograph or fingerprints reasonably correspond with the photographs or fingerprints submitted with such request, and stating that such record is necessary for the use of such law enforcement officer or agency in the investigation of any crime, any person accused of committing a crime or any crime reported to have been committed, and further stating that the record will be used only for such purpose.~~

~~(1962 Code § 25.270.)~~

SECTION 8. Section 9.72.080: “Exchange of registration information” is hereby repealed in its entirety.

~~Section 9.72.080 Exchange of registration information~~

~~Nothing contained in this chapter shall be construed to prevent the chief of police from furnishing to the sheriff of any county, the chief of police of any municipality or the head of any other law enforcement agency, which maintains any system of registration of convicted persons, copies of the statements required to be filed under the provisions of this chapter, together with photographs and fingerprints procured by him. The chief of police shall arrange for the exchange of such information.~~

~~(1962 Code § 25.275.)~~

SECTION 9. Section 9.72.090: “Violation – Penalty” is hereby repealed in its entirety.

~~Section 9.72.090 Violation – Penalty~~

~~A convicted person who:~~

- ~~A. Fails to personally appear at the Sparks Police Department and register with the chief of police;~~
- ~~B. Fails to notify the chief of police of a change of address;~~
- ~~C. Provides false or misleading information to the chief of police or the central registry; or~~
- ~~D. Otherwise violates the provisions of SMC 9.72.010 to 9.72.090, inclusive, is guilty of a misdemeanor and shall be punished as provided in SMC 1.12.010~~

SECTION 10. Section 9.73.10: “Definitions” is hereby repealed in its entirety.

~~Section 9.73.10 Definitions~~

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As used in this chapter, the following words and terms have the meanings ascribed to them in this section:

- A. ~~"Convicted" includes, but is not limited to, an adjudication of delinquency or a finding of guilt by a court having jurisdiction over juveniles if the adjudication of delinquency or the finding of guilt is for the commission of any of the following offenses:~~
1. ~~A crime against a child that is included within paragraph 6 of subsection B of this section.~~
 2. ~~A sexual offense that is included within paragraph 19 of subsection H of SMC 9.74.010~~
 3. ~~A sexual offense that is included within paragraph (b) of subsection 2 of NRS 62F.260.~~
- B. ~~"Crime against a child" means any of the following offenses if the victim of the offense was less than 18 years of age when the offense was committed:~~
1. ~~Kidnaping pursuant to NRS 200.310 to 200.340, inclusive, unless the offender is the parent of the victim.~~
 2. ~~False imprisonment pursuant to NRS 200.460, unless the offender is the parent of the victim.~~
 3. ~~An offense involving pandering or prostitution pursuant to NRS 201.300 to 201.340, inclusive.~~
 4. ~~An attempt to commit an offense listed in this section.~~
 5. ~~An offense committed in another jurisdiction that, if committed in this city or state, would be an offense listed in this section. This paragraph includes, but is not limited to, an offense prosecuted in:~~
 - a. ~~A tribal court.~~
 - b. ~~A court of the United States or the Armed Forces of the United States.~~
 6. ~~An offense against a child committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as an offender who has committed a crime against a child because of the offense. This subdivision includes, but is not limited to, an offense prosecuted in:~~
 - a. ~~A tribal court.~~
 - b. ~~A court of the United States or the Armed Forces of the United States.~~
 - c. ~~A court having jurisdiction over juveniles.~~
- C. ~~"Division" means the division of parole and probation of the state department of public safety.~~
- D. ~~"Institution of higher education" means:~~
1. ~~A university, college or community college which is privately owned or which is part of the University and Community College System of Nevada; and~~

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2. ~~— A postsecondary educational institution, as defined in NRS 394.099, or any other institution of higher education.~~
- E. ~~— "Nonresident offender who is a student or worker within the city" and "nonresident offender" mean an offender who is convicted of a crime against a child and who is a student or worker within the city but who resides outside of Nevada and is not deemed a resident-offender pursuant to SMC 9.73.020~~
- F. ~~— "Primary address" means the address at which:~~
1. ~~— A student primarily attends any course of academic or vocational instruction within the city.~~
 2. ~~— A worker primarily engages in any type of occupation, employment, work or volunteer service within the city.~~
- G. ~~— "Student" means a person who is enrolled in and attends, on a full-time or part-time basis within the city, any course of academic or vocational instruction conducted by a public or private educational institution or school, including, but not limited to, any of the following institutions or schools:—~~
1. ~~— An institution of higher education.~~
 2. ~~— A trade school or vocational school.~~
 3. ~~— A public school or a private school.~~
- H. ~~— "Worker" means a person who engages in or who knows or reasonably should know that he will engage in any type of occupation, employment, work or volunteer service on a full-time or part-time basis within the city for:—~~
1. ~~— Any period exceeding 14 days; or~~
 2. ~~— More than 30 days, in the aggregate, during any calendar year, whether or not the person engages in or will engage in the occupation, employment, work or volunteer service for compensation or for the purposes of a governmental or educational benefit.—~~
- ~~The word includes, but is not limited to:—~~
1. ~~— A person who is self-employed.~~
 2. ~~— An employee or independent contractor.~~
 3. ~~— A paid or unpaid intern, extern, aide, assistant or volunteer.~~

~~(Ord. 2216, Amended, 04/12/2004; Ord. 2154, Add, 11/25/2002)~~

SECTION 11. Section 9.73.020: "Registration required" is hereby repealed in its entirety.

Section 9.73.020 Registration required

- A. ~~— It is unlawful for any person convicted of a crime against a child to be or remain in the city for a period of more than 48 hours without registering with the chief of police. Such persons are deemed to be resident offenders and must register within 48 hours after arriving or establishing a residence in the city.—~~

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- ~~B. It is unlawful for any nonresident offender who is a student or worker within the city to be or remain in the city without registering with the chief of police. Such a nonresident offender shall register within 48 hours after first becoming a student or worker.~~
- ~~C. To register with the chief of police pursuant to this section, the offender shall:~~
- ~~1. Appear personally at the police department during the hours designated by the Chief of Police for registering;~~
 - ~~2. Provide all information that is requested by the chief of police, including, but not limited to, fingerprints and a photograph; and~~
 - ~~3. Sign and date the record of registration.~~
- ~~D. Each person required by this section to register shall do so by filing with the chief of police a signed written statement upon a form prescribed and furnished by the chief of police giving the following information:~~
- ~~1. His true name and all aliases which he has used or under which he may have been known;~~
 - ~~2. A full and complete description of his person;~~
 - ~~3. The kind, character and nature of each crime of which he has been convicted;~~
 - ~~4. The place where each of such crimes was committed and the place of conviction;~~
 - ~~5. The name under which he was convicted in each instance and the date of the conviction;~~
 - ~~6. The name and location of each prison, reformatory, jail or other penal institution, if any, in which he was confined or to which he was sentenced;~~
 - ~~7. If a resident offender, the location and address of each of his residences, stopping places or living quarters in the city, and if a nonresident offender, his primary address in the city;~~
 - ~~8. A statement of the kind of residence, stopping place or living quarters in which he resides and whether the same is temporary or permanent, i.e., whether the same is a private residence, hotel, apartment house or other building or structure;~~
 - ~~9. The length of time he has occupied each place of residence, stopping place or living quarters and the length of time he expects or intends to remain in the city;~~
 - ~~10. A resident or nonresident offender shall immediately notify the chief of police 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, including, but not limited to, the name, address and type of each such institution of higher education~~
 - ~~c. Upon receiving the information set forth in subparagraph a or b, the chief of police shall provide that information to the Central Repository and to the appropriate campus police or security department.~~~~

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11. ~~Such other and further information as may be required by the chief of police or the central repository for the purpose of aiding in carrying into effect the provisions of this chapter.~~

E. ~~When an offender registers, the chief of police shall:~~

1. ~~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.~~

2. ~~Inform the offender of the duty to register with the local law enforcement agency in whose jurisdiction the offender resides.~~

3. ~~After the offender registers with the local law enforcement agency, forward to the central repository the information collected, including the fingerprints and a photograph, of the offender.~~

~~(Ord. 2216, Amended, 04/12/2004; Ord. 2154, Add, 11/25/2002)~~

SECTION 12. Section 9.73.030: "Change of residence" is hereby repealed in its entirety.

~~Section 9.73.030 Change of residence~~

A. ~~Any resident offender convicted of a crime against a child and any nonresident offender who is required to register under the provisions of SMC 9.73.020 who changes his place of residence, stopping place, or living quarters shall appear and in person notify the chief of police of such fact and furnish to the chief of police the address of his new residence, stopping place, living quarters or primary address in the same manner and with the same detailed information as is required in the filing of an original statement. Notice of the change of residence shall also be made, in person or in writing, to the law enforcement agency of the city or county in which he formerly resided.~~

B. ~~A resident offender must notify the chief of police within 48 hours after a change of residence or living quarters. A nonresident offender must notify the chief of police of a change of his primary address upon his first entry into the city after the change, but not necessarily within 48 hours after the change.~~

~~(Ord. 2154, Add, 11/25/2002)~~

SECTION 13. Section 9.73.040: "False statements" is hereby repealed in its entirety.

~~Section 9.73.040 False statements~~

A. ~~A person required by any provision of this chapter to furnish information or a statement shall not, in such statement, give any false or fictitious address or any address other than a true or intended address, or furnish any false, untrue or misleading information or statement.~~

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- ~~B. The duty to furnish statements is a continuing one. For each day that any person required to furnish a statement fails to do so, such failure constitutes a separate offense, but no person may be convicted of more than one violation for failure, on a series of days, to furnish statements.~~
- ~~C. Nothing contained in this section bars a prosecution for a violation of any provision of this section occurring after a previous violation which concluded with a conviction or acquittal.~~
~~(Ord. 2154, Add, 11/25/2002)~~

SECTION 14. Section 9.73.050: “Records” is hereby repealed in its entirety.

~~Section 9.73.050 Records~~

- ~~A. The statements, photographs and fingerprints required by the provisions of this chapter shall at all times be kept by the chief of police in a file separate and apart from other files and records maintained and kept by the office of the chief of police, and shall not be open to inspection by the public or by any person other than a regular member of the police department.~~
- ~~B. Any such photograph, or duplicate thereof, may be exhibited to persons other than members of the police department for the purpose of assisting in identifying perpetrators of any crime.~~
- ~~C. Copies of such statements, photographs and fingerprints may be transmitted to the sheriff of any county in the state, the head of any organized police department of any municipality in the state, the head of any department of the state engaged in the enforcement of any criminal law, the head of any federal law enforcement agency, or any sheriff, chief of police of a municipality or head of any other law enforcement agency in any state or territory outside of the state, if request is made in writing by such sheriff or other head of a law enforcement agency asking for the record of a person named therein, or for the record of a person whose photograph or fingerprints reasonably correspond with the photographs or fingerprints submitted with such request, and stating that such record is necessary for the use of such law enforcement officer or agency in the investigation of any crime, any person accused of committing a crime or any crime reported to have been committed, and further stating that the record will be used only for such purpose.~~

~~(Ord. 2154, Add, 11/25/2002)~~

SECTION 15. Section 9.73.060: “Exchange of registration information” is hereby repealed in its entirety.

~~Section 9.73.060 Exchange of registration information~~

~~Nothing contained in this chapter shall be construed to prevent the chief of police from furnishing to the sheriff of any county, the chief of police of any municipality or the head of any other law~~

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enforcement agency which maintains any system of registration of convicted persons, copies of the statements required to be filed under the provisions of this chapter, together with photographs and fingerprints procured by him. The chief of police shall arrange for the exchange of such information.

(Ord. 2154, Add, 11/25/2002)

SECTION 16. Section 9.73.070: "Violation – Penalty" is hereby repealed in its entirety.

~~Section 9.73.070 Violation – Penalty~~

~~A. Any offender convicted of a crime against a child who:~~

- ~~1. Fails to register with the chief of police;~~
- ~~2. Fails to notify the chief of police of a change of address;~~
- ~~3. Provides false or misleading information to the chief of police or the central repository; or~~
- ~~4. Otherwise violates the provisions of NRS 179D.200 to 179D.290, inclusive, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~B. Any offender convicted of a crime against a child who fails to personally appear at the Sparks Police Department to register pursuant to SMC 9.72.020 is guilty of a misdemeanor.~~

(Ord. 2154, Add, 11/25/2002)

SECTION 17. Section 9.74.010: "Definitions" is hereby repealed in its entirety.

~~Section 9.74.010 Definitions~~

~~As used in this chapter, the following words and terms have the meanings ascribed to them in this section:~~

~~A. "Division" means the division of parole and probation of the state department of public safety.~~

~~B. "Mental disorder" means a congenital or acquired condition affecting the emotional or volitional capacity of a person which predisposes that person to the commission of violent sexual acts. The term includes, but is not limited to, a mental disorder that is listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.~~

~~C. "Nevada resident Tier 3 sex offender who is a student or worker within the city" means a resident of Nevada who resides outside the city, who is a student or worker within the city and who has been, or would be, assigned a Tier 3 level of notification pursuant to the guidelines and procedures established by the attorney general.~~

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- D. ~~"Nonresident sex offender who is a student or worker within the city" and "nonresident sex offender" mean a sex offender who is a student or worker within the city but who resides outside of Nevada and is not deemed a resident offender pursuant to SMC 9.74.020~~
- E. ~~"Personality disorder" includes, but is not limited to, a personality disorder that is listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.~~
- F. ~~"Primary address" means the address at which:~~
1. ~~A student primarily attends any course of academic or vocational instruction within the city.~~
 2. ~~A worker primarily engages in any type of occupation, employment, work or volunteer service within the city.~~
- G. ~~"Sex offender" means a person who is or has been:~~
1. ~~Convicted of a sexual offense listed in subsection H of this section; or~~
 2. ~~Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in this section.~~
- ~~The term includes, but is not limited to:~~
1. ~~A sexually violent predator.~~
 2. ~~A nonresident sex offender who is a student or worker within the city.~~
 3. ~~A Nevada resident Tier 3 sex offender who is a student or worker within the city.~~
- H. ~~"Sexual offense" means any of the following offenses:~~
1. ~~Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~
 2. ~~Sexual assault pursuant to NRS 200.366.~~
 3. ~~Statutory sexual seduction pursuant to NRS 200.368.~~
 4. ~~Battery with intent to commit sexual assault pursuant to NRS 200.400.~~
 5. ~~An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this subdivision.~~
 6. ~~An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this subdivision.~~
 7. ~~Abuse of a child pursuant NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.~~
 8. ~~An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.~~
 9. ~~Incest pursuant to NRS 201.180.~~
 10. ~~Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.~~
 11. ~~Open or gross lewdness pursuant to NRS 201.210.~~

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- ~~12. — Indecent or obscene exposure pursuant to NRS 201.220.~~
 - ~~13. — Lewdness with a child pursuant to NRS 201.230.~~
 - ~~14. — Sexual penetration of a dead human body pursuant to NRS 201.450.~~
 - ~~15. — Luring a child or mentally ill person pursuant to NRS 201.560.~~
 - ~~16. — An attempt or conspiracy to commit an offense listed in paragraphs 1 to 15, inclusive.~~
 - ~~17. — An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.~~
 - ~~18. — An offense committed in another jurisdiction that, if committed in this city or state, would be an offense listed in this section. This subsection includes, but is not limited to, an offense prosecuted in:
 - ~~a. — A tribal court.~~
 - ~~b. — A court of the United States or the Armed Forces of the United States.~~~~
 - ~~19. — An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subsection includes, but is not limited to, an offense prosecuted in:
 - ~~a. — A tribal court.~~
 - ~~b. — A court of the United States or the Armed Forces of the United States.~~
 - ~~c. — A court having jurisdiction over juveniles.~~~~
- I. — "Sexually violent offense" means any of the following offenses:
- ~~1. — Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.~~
 - ~~2. — Sexual assault pursuant to NRS 200.366.~~
 - ~~3. — Battery with intent to commit sexual assault pursuant to NRS 200.400.~~
 - ~~4. — An offense involving pornography and a minor pursuant to NRS 200.710.~~
 - ~~5. — An attempt to commit an offense listed in paragraphs 1 to 4, inclusive.~~
 - ~~6. — An offense that is determined to be sexually motivated pursuant to NRS 175.547.~~
 - ~~7. — An offense committed in another jurisdiction that, if committed in this city or state, would be a sexually violent offense listed in this section. This includes, but is not limited to, an offense prosecuted in:
 - ~~a. — A tribal court.~~
 - ~~b. — A court of the United States or the Armed Forces of the United States.~~~~
 - ~~8. — Any other sexual offense listed in Subsection H of this section if, during the commission of the offense, the offender engaged in or attempted to engage in:
 - ~~a. — Sexual penetration of a child less than 12 years of age; or~~
 - ~~b. — Nonconsensual sexual penetration of any other person.~~~~
- J. — "Sexually violent predator" means:

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1. ~~A person who:
 - a. ~~Has been convicted of a sexually violent offense;~~
 - b. ~~Suffers from a mental disorder or personality disorder; and~~
 - c. ~~Has been declared to be a sexually violent predator pursuant to NRS-179D.510; or~~~~
 2. ~~A person who has been declared to be a sexually violent predator pursuant to the laws of another jurisdiction.~~
- K. ~~"Student" means a person who is enrolled in and attends, on a full time or part time basis within the city, any course of academic or vocational instruction conducted by a public or private educational institution or school, including, but not limited to, any of the following institutions or schools:~~
1. ~~A university, college or community college which is privately owned or which is part of the University and Community College System of Nevada.~~
 2. ~~A postsecondary educational institution, or any other institution of higher education.~~
 3. ~~A trade school or vocational school.~~
 4. ~~A public school or a private school.~~
- L. ~~"Worker" means a person who engages in or who knows or reasonably should know that he will engage in any type of occupation, employment, work or volunteer service on a full time or part time basis within the city for:~~
1. ~~Any period exceeding 14 days; or~~
 2. ~~More than 30 days, in the aggregate, during any calendar year, whether or not the person engages in or will engage in the occupation, employment, work or volunteer service for compensation or for the purposes of a governmental or educational benefit.~~
- ~~The word includes, but is not limited to:~~
1. ~~A person who is self-employed.~~
 2. ~~An employee or independent contractor employed by, or under contract with, any person or entity doing business in the city, regardless of the actual location of work performed by the employee or independent contractor.~~
 3. ~~A paid or unpaid intern, extern, aide, assistant or volunteer.~~

~~(Ord. 2216, Amended, 04/12/2004; Ord. 2154, Add, 11/25/2002)~~

SECTION 18. Section 9.74.020: "Registration required" is hereby repealed in its entirety.

Section 9.74.020 Registration required

- A. ~~It is unlawful for any sex offender to be or remain in the city for a period of more than 48 hours without registering with the chief of police. Such persons are deemed to be resident sex offenders and must register within 48 hours after arriving or establishing a residence in the city.~~

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- ~~B. — It is unlawful for any nonresident sex offender who is a student or worker within the city to be or remain in the city without registering with the chief of police. Such a nonresident offender must register within 48 hours after first becoming a student or worker within the city.~~
- ~~C. — It is unlawful for any Nevada resident Tier 3 sex offender who is a student or worker within the city to be or remain in the city without registering with the chief of police. Such a Nevada resident must register within 48 hours after becoming a student or worker within the city.~~
- ~~D. — To register with the chief of police pursuant to this section, the sex offender shall:~~
- ~~1. — Appear personally at the police department during the hours designated by the Chief of Police for registering;~~
 - ~~2. — Provide all information that is requested by the chief of police, including, but not limited to, fingerprints and a photograph; and~~
 - ~~3. — Sign and date the record of registration.~~
- ~~E. — Each person required by this section to register shall do so by filing with the chief of police a signed written statement upon a form prescribed and furnished by the chief of police giving the following information:~~
- ~~1. — His true name and all aliases which he has used or under which he may have been known;~~
 - ~~2. — A full and complete description of his person;~~
 - ~~3. — The kind, character and nature of each crime of which he has been convicted;~~
 - ~~4. — The place where each of such crimes was committed and the place of conviction;~~
 - ~~5. — The name under which he was convicted in each instance and the date of the conviction;~~
 - ~~6. — The name and location of each prison, reformatory, jail or other penal institution, if any, in which he was confined or to which he was sentenced;~~
 - ~~7. — If a resident sex offender, the location and address of each of his residences, stopping places or living quarters in the city, and, if a nonresident sex offender or a Nevada resident Tier 3 sex offender who is a student or worker, his primary address in the city;~~
 - ~~8. — A statement of the kind of residence, stopping place or place of abode in which he resides and whether the same is temporary or permanent, i.e., whether the same is a private residence, hotel, apartment house or other building or structure;~~
 - ~~9. — The length of time he has occupied each place of residence, stopping place or living quarters and the length of time he expects or intends to remain in the city;~~
 - ~~10. — Such other and further information as may be required by the chief of police or the central repository for the purpose of aiding in carrying into effect the provisions of this chapter.~~
- ~~F. — When a sex offender registers, the chief of police shall:~~
- ~~1. — Inform the sex offender of the duty to carry his registration card at all times.~~

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2. ~~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 or changes the primary address at which he is a student or worker.~~
 3. ~~Inform the sex offender of the duty to register with the local law enforcement agency in whose jurisdiction the sex offender resides.~~
 4. ~~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 offender.~~
- G. ~~A resident or nonresident sex offender shall immediately notify the appropriate local law enforcement agency if:~~
1. ~~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~~
 2. ~~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. Upon receiving information pursuant to this subsection, the chief of police shall provide that information to the Central Repository and to the appropriate campus police department.~~

(Ord. 2216, Amended, 04/12/2004; Ord. 2154, Add, 11/25/2002)

SECTION 19. Section 9.74.030: “Change of Residence” is hereby repealed in its entirety.

~~Section 9.74.030 Change of Residence~~

- A. ~~Any resident sex offender and any nonresident sex offender who is required to register under the provisions of SMC 9.74.020 who changes his place of residence, stopping place, living quarters or primary address shall appear in person and notify the chief of police of such fact and furnish to the chief of police the address of his new residence, stopping place, living quarters or primary address in the same manner and with the same detailed information as is required in the filing of an original statement. Notice of the change of residence shall also be made, in person or by mail, to the law enforcement agency of the city or county in which he formerly resided.~~
- B. ~~A resident sex offender must notify the chief of police within 48 hours after a change of residence or living quarters. A nonresident sex offender must notify the chief of police of a change of his primary address upon his first entry into the city after the change, but not necessarily within 48 hours after the change.~~

(Ord. 2154, Add, 11/25/2002)

SECTION 20. Section 9.74.040: “Requirement to carry registration card at all times” is hereby repealed in its entirety.

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Section 9.74.040 Requirement to carry registration card at all times

~~Every sex offender shall have his registration card in his immediate possession at all times and shall manually surrender the card for examination, upon demand, to a peace officer, justice of the peace or municipal judge. However, no person charged with violating this section shall be convicted if he produces in court or the offices of the arresting officer a registration card issued to him and valid on the date and at the time of demand.~~

~~(Ord. 2154, Add, 11/25/2002)~~

SECTION 21. Section 9.74.050: “False statements” is hereby repealed in its entirety.

Section 9.74.050 False statements

- A. ~~— A person required by any provision of this chapter to furnish information or a statement shall not, in such statement, give any false or fictitious address or any address other than a true or intended address, or furnish any false, untrue or misleading information or statement.~~
- B. ~~— The duty to furnish statements is a continuing one. For each day that any person required to furnish a statement fails to do so, such failure constitutes a separate offense, but no person may be convicted of more than one violation for failure, on a series of days, to furnish statements.~~
- C. ~~— Nothing contained in this section bars a prosecution for violation of any provision of this section occurring after a previous violation which concluded with a conviction or acquittal.~~

~~(Ord. 2154, Add, 11/25/2002)~~

SECTION 22. Section 9.74.060: “Records” is hereby repealed in its entirety.

Section 9.74.060 Records

- A. ~~— The statements, photographs and fingerprints required by the provisions of this chapter shall at all times be kept by the chief of police in a file separate and apart from other files and records maintained and kept by the office of the chief of police, and shall not be open to inspection by the public or by any person other than a regular member of the police department.~~
- B. ~~— Any such photograph, or duplicate thereof, may be exhibited to persons other than members of the police department for the purpose of assisting in identifying perpetrators of any crime.~~

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~~C. Copies of such statements, photographs and fingerprints may be transmitted to the sheriff of any county in the state, the head of any organized police department of any municipality in the state, the head of any department of the state engaged in the enforcement of any criminal law, the head of any federal law enforcement agency, or any sheriff, chief of police of a municipality or head of any other law enforcement agency in any state or territory outside of the state, if request is made in writing by such sheriff or other head of a law enforcement agency asking for the record of a person named therein, or for the record of a person whose photograph or fingerprints reasonably correspond with the photographs or fingerprints submitted with such request, and stating that such record is necessary for the use of such law enforcement officer or agency in the investigation of any crime, any person accused of committing a crime or any crime reported to have been committed, and further stating that the record will be used only for such purpose.~~

~~(Ord. 2154, Add, 11/25/2002)~~

SECTION 23. Section 9.74.070: “Exchange of registration information” is hereby repealed in its entirety.

~~Section 9.74.070 Exchange of registration information~~

~~Nothing contained in this chapter shall be construed to prevent the chief of police from furnishing to the sheriff of any county, the chief of police of any municipality or the head of any other law enforcement agency which maintains any system of registration of convicted persons, copies of the statements required to be filed under the provisions of this chapter, together with photographs and fingerprints procured by him. The chief of police shall arrange for the exchange of such information.~~

~~(Ord. 2154, Add, 11/25/2002)~~

SECTION 24. Section 9.74.080: “Violation - Penalty” is hereby repealed in its entirety.

~~Section 9.74.080 Violation - Penalty~~

~~A. A sex offender who:~~

- ~~1. Fails to register with the chief of police;~~
- ~~2. Fails to notify the chief of police of a change of address;~~
- ~~3. Provides false or misleading information to the chief of police or central repository;~~
- ~~or~~
- ~~4. Otherwise violates the provisions of NRS 179D.350 to 179D.550, inclusive, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~B. Any sex offender who fails to personally appear at the Sparks Police Department during the designated hours to register pursuant to subsection D of SMC 9.74.020 is guilty of a misdemeanor.~~

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~~C. Any sex offender who fails to carry his registration card in violation of SMC 9.74.040 is guilty of a misdemeanor.~~

~~(Ord. 2216, Amended, 04/12/2004; Ord. 2154, Add, 11/25/2002)~~

SECTION 25. Section 5.22.010 is hereby amended to read as follows:

Section 5.22.010 Persons not qualified for work permits required by the SMC.

- A. The following persons are not qualified to hold a work permit required under the provisions of the SMC:
1. A person who has been convicted within the preceding 5 years of a crime which would be a felony or gross misdemeanor under the laws of this state and which involves violence or force against another, the threat of violence or force against another, or the sale or trafficking of any controlled substance. For purposes of this section, murder, voluntary manslaughter, robbery, sexual assault, mayhem, assault, battery or kidnapping, or an attempt to commit any of those crimes, is deemed to be violence or force against another or the threat of violence or force against another.
 2. If the work permit is for an occupation which involves the handling or possession of money belonging to the employer, any person convicted within the preceding 5 years of any crime of embezzlement or larceny against an employer or an employer's customer.
 3. If the work permit is for an occupation which places the person in the home of another, any person convicted within the preceding 5 years of any robbery, larceny, embezzlement, obtaining money by false pretenses, possession or sale of stolen property, or burglary.
 4. If the work permit is for an occupation which may place the person in the vicinity of minors or involves the purposeful touching of the body of another, any person who would be required to register with the chief of police as a sex offender pursuant to ~~Chapter 9.74 of the SMC~~ *Chapter 179D of NRS*.
 5. If paragraphs 1 to 4, inclusive, apply to the work permit sought, a person who is in the constructive custody of any federal, state, county or municipal law enforcement authority based on a conviction of any crime described in paragraphs 1 to 4, inclusive, of this subsection. For purposes of this section, "constructive custody" includes parole, probation, suspended sentences and any other form of supervision by a governmental agency or a court.
 6. If the work permit is related to the sale or dispensing of alcoholic beverages, any person not authorized by SMC 5.28.235 to engage in such activities.
 7. If the work permit is for any type of escort, any person who has been convicted of

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- prostitution or pandering.
8. Any person having one or more criminal convictions that indicates that the person poses a threat to the health, safety or welfare of others if allowed to work in the occupation for which the work permit is sought.
 9. A person who is not qualified under any state or federal law or regulation.
 10. A person whose arrest is sought by warrant or otherwise by a law enforcement agency of any state or the United States.
 11. A person who has furnished false information in his application for a work permit.
- B. The chief of police or his designee shall have the power to determine whether a person is qualified for a work permit pursuant to this section.

(Ord. 2190, Add, 10/13/2003)

SECTION 26. Section 5.62.060 is hereby amended to read as follows:

Section 5.62.060 Persons unqualified for license.

The following persons are not qualified to hold any license under the provisions of this chapter:

- A. A person who has been convicted within the preceding five years of:
1. A felony or any crime which under the laws of this state would be a felony;
 2. Any crime of which fraud or intent to defraud was an element, whether in this state or elsewhere;
 3. Larceny in any degree;
 4. Buying or receiving stolen property;
 5. Unlawful entry of a building;
 6. Unlawful possession or distribution of narcotic drugs;
 7. Unlawful use, carrying or possession of a firearm or other dangerous weapon;
 8. Prostitution; or
 9. Any sex crime that would require the person to register under ~~SMC Chapter 9.74.~~ *Chapter 179D of NRS.*

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B. A person who the the chief license officer and the chief of police mutually agree is not a suitable person to receive a license, having due consideration for the proper protection of the public health, safety and general welfare of the inhabitants of the city.

(Ord. 1121 § 1 (part), 1977.) (Ord. 2471, § 43, Amended, 2/11/2013; Ord. 2190, Amended, 10/13/2003)

SECTION 27. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 28. The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law.

SECTION 29. This ordinance shall become effective upon passage, approval and publication.

SECTION 30. The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare and convenience.

SECTION 31. If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 32. The City Council finds that this ordinance is **not** likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business, or is otherwise exempt from Nevada Revised Statutes Chapter 237.

PASSED AND ADOPTED this ____ day of _____, 20__, by the following vote of the City Council:

AYES: _____

NAYS: _____

ABSTAIN: _____

ABSENT: _____

APPROVED this ____ day of _____, 20__, by:

GENO MARTINI, Mayor

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ATTEST:

TERESA GARDNER, City Clerk

**APPROVED AS TO FORM AND
LEGALITY:**

CHESTER H. ADAMS, City Attorney