

NYE COUNTY ORDINANCE NO. 586

SUMMARY: An Ordinance Amending Nye County Code Chapter 9.25, Titled Offender Registration; Monitoring and Verification Fees, by deleting references to registration fees and deleting Section 9.25.050, titled Collection of Registration Fees; Failure to Pay Fees; Disposition of Collected Fees; Penalties; Providing for the severability, Constitutionality and Effective Date Thereof; and other matters properly relating thereto.

TITLE: AN ORDINANCE AMENDING NYE COUNTY CODE CHAPTER 9.25, TITLED OFFENDER REGISTRATION; MONITORING AND VERIFICATION FEES, BY DELETING REFERENCES TO REGISTRATION FEES AND DELETING SECTION 9.25.050, TITLED COLLECTION OF REGISTRATION FEES; FAILURE TO PAY FEES; DISPOSITION OF COLLECTED FEES; PENALTIES; PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, pursuant to NRS 244.119, the Nye County Board of County Commissioners (“Board”) is authorized to amend the Nye County Code; and

WHEREAS, the Nye County Board of County Commissioners (Board) has a duty to protect the public health, safety and welfare of the residents of Nye County;

WHEREAS, the Board is empowered, pursuant to the provisions of Chapter 244.195 of the Nevada Revised Statutes, to perform all acts necessary to discharge its duties toward the residents of Nye County;

WHEREAS, the Board believes it is in the best interest of the people of Nye County that the Offender Registration; Monitoring and Verification Fees Ordinance, Nye County Code 9.25, be amended;

WHEREAS, the Board finds these changes to be appropriate and an improvement to the regulations;

NOW, THEREFORE, pursuant to NRS 244.110, the Board of County Commissioners of the County of Nye, State of Nevada, does ordain:

9.25.010: Short Title

9.25.020: Findings and Intent 9.25.030: Applicability

9.25.040: Definitions

9.25.050: Collection of Registration Fees; Failure To Pay Fees; Disposition Of Collected Fees; Penalties

9.25.010: SHORT TITLE:

This chapter shall be known as the OFFENDER REGISTRATION, MONITORING AND VERIFICATION FEE ORDINANCE. (Ord. 357 § 1, 2008)

9.25.20 FINDINGS AND INTENT:

- A. Each individual designated by the state of Nevada, or by any other statute of any other state of the United States, or by the government of the United States or any agency thereof as a "convicted felon", "sex offender" or "sexual predator" and who is required by any such law to register in the state of Nevada, as a "convicted felon", "sex offender" or "sexual predator" represents an increased risk of harm to the citizens of Nye County.
- B. Protecting the citizens of Nye County from harm is enhanced by recognizing the risks that said individuals represent while residing in Nye County, and providing the proper monitoring, tracking, registering and management of their presence.
- C. It is the intention of this chapter to be regulatory in nature, relating to the purpose of promoting, protecting and improving the health, safety and welfare of all the citizens of Nye County and to protect the citizens of Nye County and other potential victim(s) from potential victimization by registered convicted felons, sex offenders and sexual predators. (Ord. 357 § 2, 2008)

9.25.030: APPLICABILITY:

This chapter shall apply to incorporated as well as unincorporated areas of Nye County.

(Ord. 357 § 3, 2008)

9.25.40: DEFINITIONS:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ADDRESS CHANGE 1: Any subsequent registration process, whereby the individual reports to the sheriff a change, modification or addition in either a temporary or permanent address (excluding changes made during required quarterly/biannual reregistrations); whereby the individual's change of address requires personal verification. This constitutes a recurring fee.

CONVICTED FELON: An individual who is required to register with the sheriff as a convicted felon as prescribed under Nevada Revised Statutes 179C.100.

HABITUAL CRIMINAL: Nevada Revised Statutes 207.010 definition; punishment:

- A. Unless the person is prosecuted pursuant to Nevada Revised Statutes 207.012 or 207.014, a person convicted in this state of:
 - 1. Any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who has previously been two (2) times convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been three (3) times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, is a habitual criminal.
 - 2. Any felon, who has previously been three (3) times convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount

- B. to a felony, or who has previously been five (5) times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or the intent to defraud is an element, is a habitual criminal.

HABITUAL FELON: Nevada Revised Statutes 207.012: definition; punishment:

A. A person who:

1. Has been convicted in this state of a felony listed in section 9.25.020 of this chapter; and
2. Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this state would be a felony listed in section 9.25.020 of this chapter, whether the prior convictions occurred in this state or elsewhere, is a habitual felon.

INITIAL REGISTRATION: The first registration, which is outlined and described within Nevada Revised Statutes 179D.240; whereby an individual is required to register with the Nye County sheriff upon release from incarceration or upon their arrival in Nye County as a temporary or permanent resident.

REGISTERED SEX OFFENDER OR REGISTERED SEXUAL PREDATOR: An individual who is required to register with the sheriff as a "sex offender" or "sexual predator", as prescribed under Nevada Revised Statutes 179D.240 and 179D.270.

REREGISTRATION: Any subsequent registration process with the sheriff, which updates and otherwise validates an individual's information based on requirements of Nevada Revised Statutes 179D.640, 179D.650, and 179D.660. Reregistration consists of biannual and quarterly reregistrations, based on certain offense criterion outlined within Nevada's sex offender and sexual predator statutes. (Ord. 357 § 4, 2008)

Notes 1. NRS §§ 179C.110, 179D.250.

SEVERABILITY: If any provision of this ordinance or amendments thereto, or the application to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provision or applications, and to this end the provision of this ordinance and amendments thereto are declared to be severable,

CONSTITUTIONALITY. If any section, clause, or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provision of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 10th day of October, 2022.

Proposed on the 16th day of August, 2022.

Proposed by: Commissioner Blundo

Adopted on the 20th day of September, 2022.

Vote: Ayes: Commissioners: Carbone, Blundo, Cox, Strickland, Jabbour

Nays: Commissioners: Ø

Absent: Commissioners: Ø

BY: Frank Carbone
Frank Carbone, Chair
Nye County Board of
County Commissioners

ATTEST: Mark F. Kampf
Mark F. Kampf
Clerk and Ex-Officio
Clerk of the Board