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Nevada's Sex Offender Law being Reviewed

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Reporter: Brendan Riley AP

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CARSON CITY, Nev. (AP) - The Nevada Supreme Court and the 2009 state Legislature are expected to conduct separate reviews of a new law on sex offenders that has been rejected in part by a lower court because of the way in which it deals with teenage offenders.

Attorney General Catherine Cortez Masto said Monday that she anticipates that the law passed in 2007 will be revised during the 2009 session. She commented during a meeting of an advisory panel on juvenile justice that's coming up with suggested statute changes for lawmakers.

Dan Kulin, spokesman for the Clark County district attorney's office, said his office will file a state Supreme Court appeal of Friday's ruling by Clark County Family Court Judge William Voy that part of the law dealing with juveniles is unconstitutional.

The state law, AB579, based on the federal Adam Walsh Child Protection and Safety Act passed in 2006, included many teenage sex offenders 14 and older with adults under requirements for sex offender registration and community notification.

The federal law, named for a six-year-old who was abducted from a Florida shopping mall in 1981 and later found slain, cut off certain grant funds to states unless they included in their registries juveniles who committed sex offenses when they were as young as 14.

The registration provision has been criticized by Human Rights Watch, a leading human rights group, which says no juveniles - and no other offenders considered to pose low future risk - should be registered.

Lawyers for the Clark County juvenile public defender's office and for the American Civil Liberties Union of Nevada sought the ruling from Voy, arguing that the new state law is unconstitutional. It's supposed to take effect starting July 1, but is likely to be delayed as a result of the ruling.

Voy held that the law section dealing with juvenile offenders violates constitutional due process guarantees because it lacks a rational basis for extending to 14-year-olds but not to someone who may be younger but more dangerous.

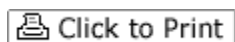
Maggie McCletchie, ACLU of Nevada staff attorney, praised the judge's ruling on the law section dealing with juveniles. She also said Monday that the law as it applies to adults is arbitrary and unclear and needs major revisions.

No decision has been made yet on whether to file another lawsuit seeking changes to the entire law, McCletchie said.

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