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Summary of Donlan v. Nevada, 127 Nev. Adv. Op. No. 12

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Donlan v. Nevada, 127 Nev. Adv. Op. No. 12 (April 28, 2011)¹
CONSTITUTION LAW – FULL FAITH AND CREDIT CLAUSE

Summary

An appeal from a district court order denying a petition to terminate appellant’s duty to register as a sex offender.

Disposition/Outcome

District Court’s Order affirmed because the Full Faith and Credit Clause does not allow California to prescribe the manner in which Nevada protects its citizenry.

Factual and Procedural History

In 1985, Eugene W. Donlan (“Donlan”) was convicted of a sex crime in California and began registering as a sex offender in that state. In 2005, Donlan moved to Nevada and began registering as a sex offender there. In 2009, the California Department of Justice terminated Donlan’s requirement to register in California as a sex offender.

Thereafter, Donlan filed a petition in the Fifth Judicial District Court in Nye County, Nevada to terminate his obligation to register as a sex offender in the State of Nevada. The court denied his petition. Donlan appealed to the Supreme Court of Nevada contending that the Full Faith and Credit Clause of the United States Constitution requires Nevada to enforce California’s termination of his requirement to register as a sex offender.

Discussion

Justice Cherry, writing for the Supreme Court of Nevada, recognized the importance of the Full Faith and Credit Clause. However, the Court noted that California’s administrative decision was based on California statutory law and was therefore not a final judgment under the Full Faith and Credit Clause. Additionally, Nevada is not obligated under the Full Faith and Credit Clause to apply a California law that is in violation of Nevada’s public policy; nor is Nevada obligated to substitute California’s conflicting statutes for its own.

Therefore, because Nevada is competent to legislate protections for its own citizenry regarding the registration of sex offenders, Nevada is not bound by California’s decision.

Conclusion

The Full Faith and Credit Clause does not grant California the power to prescribe the manner in which Nevada can protect its citizenry.

¹ By Tim Mott.