

ASSEMBLY BILL NO. 155—ASSEMBLYMEN DINI, PERKINS, COLLINS,
MCCLAIN, KOIVISTO, MANENDO, OHRENSCHALL, LESLIE, ANDERSON,
BUCKLEY, EVANS, HETTRICK, HUMKE, NOLAN, PARKS, CEGAVSKE,
WILLIAMS, BEERS AND SEGERBLOM

FEBRUARY 8, 1999

Referred to Committee on Judiciary

SUMMARY—Requires person to report certain hazards and criminal offenses to appropriate authorities under certain circumstances and to provide reasonable aid or assistance to others under certain circumstances. (BDR 15-941)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

AN ACT relating to public safety; requiring a person to report certain hazards and criminal offenses to appropriate authorities under certain circumstances; requiring a person to provide reasonable aid or assistance to others under certain circumstances; providing penalties; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 200 of NRS is hereby amended by adding thereto
2 a new section to read as follows:
3 *For the purposes of NRS 200.5091 to 200.50995, inclusive, a person:*
4 1. *Has “reasonable cause to believe” if, in light of all the*
5 *surrounding facts and circumstances which are known or which*
6 *reasonably should be known to the person at the time, a reasonable*
7 *person would believe, under those facts and circumstances, that an act,*
8 *transaction, event, situation or condition exists, is occurring or has*
9 *occurred.*

1 **2. Acts “as soon as reasonably practicable” if, in light of all the**
2 **surrounding facts and circumstances which are known or which**
3 **reasonably should be known to the person at the time, a reasonable**
4 **person would act within approximately the same period under those facts**
5 **and circumstances.**

6 **Sec. 2.** NRS 200.5092 is hereby amended to read as follows:
7 200.5092 As used in NRS 200.5091 to 200.50995, inclusive, **and**
8 **section 1 of this act**, unless the context otherwise requires:

9 1. “Abuse” means willful and unjustified:

10 (a) Infliction of pain, injury or mental anguish on an older person; or

11 (b) Deprivation of food, shelter, clothing or services which are
12 necessary to maintain the physical or mental health of an older person.

13 2. “Exploitation” means any act taken by a person who has the trust
14 and confidence of an older person or any use of the power of attorney or
15 guardianship of an older person to obtain control, through deception,
16 intimidation or undue influence, over the older person’s money, assets or
17 property with the intention of permanently depriving the older person of
18 the ownership, use, benefit or possession of his money, assets or property.
19 As used in this subsection, “undue influence” does not include the normal
20 influence that one member of a family has over another.

21 3. “Isolation” means willfully, maliciously and intentionally
22 preventing an older person from having contact with another person by:

23 (a) Intentionally preventing the older person from receiving his visitors,
24 mail or telephone calls, including, without limitation, communicating to a
25 person who comes to visit the older person or a person who telephones the
26 older person that the older person is not present or does not want to meet
27 with or talk to the visitor or caller knowing that the statement is false,
28 contrary to the express wishes of the older person and intended to prevent
29 the older person from having contact with the visitor; or

30 (b) Physically restraining the older person to prevent the older person
31 from meeting with a person who comes to visit the older person.

32 The term does not include an act intended to protect the property or
33 physical or mental welfare of the older person or an act performed
34 pursuant to the instructions of a physician of the older person.

35 4. “Neglect” means the failure of:

36 (a) A person who has assumed legal responsibility or a contractual
37 obligation for caring for an older person or who has voluntarily assumed
38 responsibility for his care to provide food, shelter, clothing or services
39 which are necessary to maintain the physical or mental health of the older
40 person; or

41 (b) An older person to provide for his own needs because of inability to
42 do so.

43 5. “Older person” means a person who is 60 years of age or older.

6. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation and isolation of older persons. The services may include investigation, evaluation, counseling, arrangement and referral for other services and assistance.

Sec. 3. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. ~~[A person required to make a report pursuant to this section shall make the report immediately, but in no event later than 24 hours after there is reason to believe that an older person has been abused, neglected, exploited or isolated. The report must be made to:~~

~~—(a)] Any person who is described in subsection 4 and who, in his professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:~~

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the welfare or aging services division of the department of human resources;

~~[(b)]~~ *(2) A police department or sheriff's office;*

~~[(c)]~~ *(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or*

~~[(d)]~~ *(4) A toll-free telephone service designated by the aging services division of the department of human resources* ~~[-~~

~~if the report of]~~ ; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. *If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the* abuse, neglect, exploitation or isolation of ~~[an]~~ *the* older person involves an act or omission of the welfare division, aging services division or a law enforcement agency, the *person shall make the* report ~~[must be made]~~ to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing ~~[the]~~ *a* report to writing, shall forward a copy of the report to the aging services division of the department of human resources.

~~[2.—Reports]~~

4. *A report* must be made *pursuant to subsection 1* by the following persons : ~~[who, in their professional or occupational capacities, know or have reason to believe that an older person is being or has been abused, neglected, exploited or isolated:]~~

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or

1 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
2 and family therapist, alcohol or drug abuse counselor, driver of an
3 ambulance, advanced emergency medical technician or other person
4 providing medical services licensed or certified to practice in this state,
5 who examines, attends or treats an older person who appears to have been
6 abused, neglected, exploited or isolated.

7 (b) Any personnel of a hospital or similar institution engaged in the
8 admission, examination, care or treatment of persons or an administrator,
9 manager or other person in charge of a hospital or similar institution upon
10 notification of the suspected abuse, neglect, exploitation or isolation of an
11 older person by a member of the staff of the hospital.

12 (c) A coroner.

13 (d) Every clergyman, practitioner of Christian Science or religious
14 healer, unless he acquired the knowledge of abuse, neglect, exploitation or
15 isolation of the older person from the offender during a confession.

16 (e) Every person who maintains or is employed by an agency to provide
17 nursing in the home.

18 (f) Every attorney, unless he has acquired the knowledge of abuse,
19 neglect, exploitation or isolation of the older person from a client who has
20 been or may be accused of such abuse, neglect, exploitation or isolation.

21 (g) Any employee of the department of human resources.

22 (h) Any employee of a law enforcement agency or a county's office for
23 protective services or an adult or juvenile probation officer.

24 (i) Any person who maintains or is employed by a facility or
25 establishment that provides care for older persons.

26 (j) Any person who maintains, is employed by or serves as a volunteer
27 for an agency or service which advises persons regarding the abuse,
28 neglect, exploitation or isolation of an older person and refers them to
29 persons and agencies where their requests and needs can be met.

30 (k) Every social worker.

31 (l) Any person who owns or is employed by a funeral home or
32 mortuary.

33 ~~{3.}~~ 5. A report may be ~~{filed}~~ *made* by any other person.

34 ~~{4.—A}~~

35 6. *If a* person *who is* required to make a report pursuant to ~~{this~~
36 ~~section who}~~ *subsection 1 knows or* has reasonable cause to believe that an
37 older person has died as a result of abuse, neglect or isolation *, the person*
38 *shall , as soon as reasonably practicable,* report this belief to the
39 appropriate medical examiner or coroner, who shall investigate the cause
40 of death of the older person and submit to the appropriate local law
41 enforcement agencies, the appropriate prosecuting attorney and the aging
42 services division of the department of human resources his written

1 findings. The written findings must include the information required
2 pursuant to the provisions of NRS 200.5094, when possible.

3 ~~[5.]~~ 7. A division, office or department which receives a report
4 pursuant to this section shall cause the investigation of the report to
5 commence within 3 working days. A copy of the final report of the
6 investigation conducted by a division, office or department, other than the
7 aging services division of the department of human resources, must be
8 forwarded to the aging services division within 90 days after the
9 completion of the report.

10 ~~[6.]~~ 8. If the investigation of ~~[the]~~ a report results in the belief that
11 ~~[the]~~ an older person is abused, neglected, exploited or isolated, the
12 welfare division of the department of human resources or the county's
13 office for protective services may provide protective services to the older
14 person if he is able and willing to accept them.

15 ~~[7.]~~ 9. A person who knowingly and willfully violates any of the
16 provisions of this section is guilty of a misdemeanor.

17 **Sec. 4.** NRS 200.5094 is hereby amended to read as follows:

18 200.5094 1. ~~[The report required]~~ *A person may make a report*
19 pursuant to NRS 200.5093 ~~[may be made orally.]~~ by telephone or
20 ~~[otherwise. The]~~, *in light of all the surrounding facts and circumstances*
21 *which are known or which reasonably should be known to the person at*
22 *the time, by any other means of oral, written or electronic*
23 *communication that a reasonable person would believe, under those facts*
24 *and circumstances, is a reliable and swift means of communicating*
25 *information to the person who receives the report. If the report is made*
26 *orally, the* person who receives the report must reduce it to writing as soon
27 as ~~[possible.]~~ *reasonably practicable.*

28 2. The report must contain the following information, when possible:

29 (a) The name and address of the older person;

30 (b) The name and address of the person responsible for his care, if there
31 is one;

32 (c) The name and address, if available, of the person who is alleged to
33 have abused, neglected, exploited or isolated the older person;

34 (d) The nature and extent of the abuse, neglect, exploitation or isolation
35 of the older person;

36 (e) Any evidence of previous injuries; and

37 (f) The basis of the reporter's belief that the older person has been
38 abused, neglected, exploited or isolated.

39 **Sec. 5.** NRS 200.50984 is hereby amended to read as follows:

40 200.50984 1. Notwithstanding any other statute to the contrary, the
41 local office of the welfare division of the department of human resources
42 and a county's office for protective services, if one exists in the county
43 where a violation is alleged to have occurred, may for the purpose of

1 investigating an alleged violation of NRS 200.5091 to 200.50995,
2 inclusive, *and section 1 of this act* inspect all records pertaining to the
3 older person on whose behalf the investigation is being conducted,
4 including, but not limited to, that person's medical and financial records.

5 2. Except as otherwise provided in this subsection, if a guardian has
6 not been appointed for the older person, the welfare division or the
7 county's office for protective services shall obtain the consent of the older
8 person before inspecting those records. If the welfare division or the
9 county's office for protective services determines that the older person is
10 unable to consent to the inspection, the inspection may be conducted
11 without his consent. Except as otherwise provided in this subsection, if a
12 guardian has been appointed for the older person, the welfare division or
13 the county's office for protective services shall obtain the consent of the
14 guardian before inspecting those records. If the welfare division or the
15 county's office for protective services has ~~reason~~ *reasonable cause* to
16 believe that the guardian is abusing, neglecting, exploiting or isolating the
17 older person, the inspection may be conducted without the consent of the
18 guardian, except that if the records to be inspected are in the personal
19 possession of the guardian, the inspection must be approved by a court of
20 competent jurisdiction.

21 **Sec. 6.** NRS 200.50986 is hereby amended to read as follows:

22 200.50986 The local office of the welfare division or the county's
23 office for protective services may petition a court in accordance with NRS
24 159.185 or 159.1905 for the removal of the guardian of an older person, or
25 the termination or modification of that guardianship, if, based on its
26 investigation, the welfare division or the county's office of protective
27 services has ~~reason~~ *reasonable cause* to believe that the guardian is
28 abusing, neglecting, exploiting or isolating the older person in violation of
29 NRS 200.5095 to 200.50995, inclusive ~~1~~, *and section 1 of this act.*

30 **Sec. 7.** Chapter 202 of NRS is hereby amended by adding thereto the
31 provisions set forth as sections 8 to 20, inclusive, of this act.

32 **Sec. 8.** *As used in sections 8 to 20, inclusive, of this act, unless the*
33 *context otherwise requires, the words and terms defined in sections 9 to*
34 *12, inclusive, of this act have the meanings ascribed to them in those*
35 *sections.*

36 **Sec. 9.** "Emergency response agency" means:

37 1. *Any public or private organization that is established and*
38 *maintained to:*

39 (a) *Respond rapidly to a hazard; and*

40 (b) *Provide emergency medical care, fire fighting services, rescue*
41 *services or any other emergency services that are intended to protect or*
42 *rescue persons from a hazard; and*

1 2. Any officer or employee who is acting in his professional or
2 occupational capacity for such an organization.

3 **Sec. 10.** 1. Except as otherwise provided in subsection 3, "hazard"
4 means any natural or man-made act, transaction, event, situation or
5 condition that causes an imminent danger of, is causing or has caused
6 substantial bodily harm to a person, whether or not the act, transaction,
7 event, situation or condition is accidental or intentional.

8 2. The term includes, without limitation, any of the following acts,
9 transactions, events, situations or conditions if it causes an imminent
10 danger of, is causing or has caused substantial bodily harm to a person,
11 whether or not the act, transaction, event, situation or condition is
12 accidental or intentional:

13 (a) A fire, flood, tidal wave, tornado, hurricane, blizzard, snowstorm,
14 ice storm, thunderstorm, windstorm, lightning strike, earthquake,
15 avalanche, landslide, cave-in, volcanic eruption or lava flow;

16 (b) Any periods of extreme heat or cold;

17 (c) The presence, discharge, release or spillage of a hazardous
18 material, toxic substance or dangerous gas;

19 (d) The presence of an exposed and unprotected electrical current;

20 (e) An explosion or implosion;

21 (f) The collapse of a building or any other structure;

22 (g) A collision, crash or wreck involving any means of transportation;
23 and

24 (h) Accidents or intentional acts occurring in public, at a residence, at
25 a place of business or employment, or during any leisure or sporting
26 activity.

27 3. The term does not include a violent criminal offense.

28 **Sec. 11.** 1. Except as otherwise provided in subsection 2, "law
29 enforcement agency" means any law enforcement agency within this
30 state and any peace officer or employee who is acting in his professional
31 or occupational capacity for such an agency.

32 2. The term does not include the office of the attorney general or the
33 office of a district attorney within this state or any attorney, investigator,
34 special investigator or employee who is acting in his professional or
35 occupational capacity for such an office, unless a person is reporting the
36 commission of a violent criminal offense pursuant to section 16 of this
37 act.

38 **Sec. 12.** "Violent criminal offense" means any act that:

39 1. Would be a criminal offense if prosecuted in this state, whether or
40 not the person who committed the act is or has been prosecuted or
41 convicted in this state for the criminal offense; and

42 2. Causes an imminent danger of, is causing or has caused
43 substantial bodily harm to another person.

1 **Sec. 13.** *For the purposes of sections 8 to 20, inclusive, of this act, a*
2 *person:*

3 1. *Has “reasonable cause to believe” if, in light of all the*
4 *surrounding facts and circumstances which are known or which*
5 *reasonably should be known to the person at the time, a reasonable*
6 *person would believe, under those facts and circumstances, that an act,*
7 *transaction, event, situation or condition exists, is occurring or has*
8 *occurred.*

9 2. *Acts “as soon as reasonably practicable” if, in light of all the*
10 *surrounding facts and circumstances which are known or which*
11 *reasonably should be known to the person at the time, a reasonable*
12 *person would act within approximately the same period under those facts*
13 *and circumstances.*

14 3. *May make a report, warn another person or summon a law*
15 *enforcement agency or an emergency response agency by telephone or,*
16 *in light of all the surrounding facts and circumstances which are known*
17 *or which reasonably should be known to the person at the time, by any*
18 *other means of oral, written or electronic communication that a*
19 *reasonable person would believe, under those facts and circumstances, is*
20 *a reliable and swift means of communicating information to the person*
21 *who receives the information.*

22 **Sec. 14.** 1. *Except as otherwise provided in this section:*

23 (a) *If a person knows or has reasonable cause to believe that a hazard*
24 *exists, is occurring or has occurred, whether or not the person is present*
25 *at or near the scene of the hazard, the person shall report the hazard to a*
26 *law enforcement agency or an emergency response agency as soon as*
27 *reasonably practicable, unless the person knows or has reasonable cause*
28 *to believe that a law enforcement agency or an emergency response*
29 *agency already knows of the hazard or that another person already has*
30 *reported the hazard to such an agency; and*

31 (b) *If the person is present at or near the scene of the hazard and the*
32 *person knows or has reasonable cause to believe that another person:*

33 (1) *Is in imminent danger of suffering substantial bodily harm as a*
34 *result of the hazard, the person shall warn the other person of the hazard*
35 *as soon as reasonably practicable, unless the person knows or has*
36 *reasonable cause to believe that the other person already knows of the*
37 *hazard or has been warned of the hazard; or*

38 (2) *Has suffered substantial bodily harm as a result of the hazard*
39 *and is likely to suffer additional bodily harm or die if reasonable aid or*
40 *assistance is not provided to him, the person shall provide reasonable aid*
41 *or assistance to the other person as soon as reasonably practicable,*
42 *unless the person knows or has reasonable cause to believe that another*
43 *person is providing such aid or assistance.*

1 2. For the purposes of this section:

2 (a) A person provides “reasonable aid or assistance” to another
3 person if, in light of all the surrounding facts and circumstances which
4 are known or which reasonably should be known to the person at the
5 time and in light of the knowledge and abilities of the person, a
6 reasonable person with the same or similar knowledge and abilities
7 would provide the same or similar aid or assistance to the other person
8 under those facts and circumstances.

9 (b) “Reasonable aid or assistance”:

10 (1) Must include summoning a law enforcement agency or an
11 emergency response agency as soon as reasonably practicable, unless the
12 person who is required to provide reasonable aid or assistance knows or
13 has reasonable cause to believe that a law enforcement agency or an
14 emergency response agency already knows of the situation or that
15 another person already has summoned such an agency; and

16 (2) May be limited to summoning a law enforcement agency or an
17 emergency response agency as soon as reasonably practicable, depending
18 upon all the surrounding facts and circumstances which are known or
19 which reasonably should be known to the person at the time and
20 depending upon the knowledge and abilities of the person.

21 3. A person who knowingly and willfully violates any of the
22 provisions of this section is guilty of:

23 (a) A gross misdemeanor, if another person dies as a result of the
24 violation; or

25 (b) A misdemeanor, if the provisions of paragraph (a) do not
26 otherwise apply.

27 4. The provisions of this section do not apply to a person if:

28 (a) The person has suffered substantial bodily harm as a result of the
29 hazard;

30 (b) The person suffers from any other mental or physical impairment
31 or disability that, in light of all the surrounding facts and circumstances,
32 makes it impracticable for the person to comply with the provisions of
33 this section;

34 (c) The person knows or has reasonable cause to believe that
35 complying with the provisions of this section would place him or another
36 person in imminent danger of suffering substantial bodily harm; or

37 (d) In light of the nature of the hazard and all the other surrounding
38 facts and circumstances which are known or which reasonably should be
39 known to the person at the time, it would not be possible for a reasonable
40 person, under those facts and circumstances, to comply with the
41 provisions of this section.

1 **Sec. 15. 1.** *If a person, in good faith, reports a hazard to a law*
2 *enforcement agency or an emergency response agency or warns another*
3 *person of a hazard, whether or not the person is required to take such*
4 *action pursuant to section 14 of this act, the person is immune from civil*
5 *or criminal liability for any act or omission related to that report or*
6 *warning.*

7 **2.** *For the purposes of this section, if a person reports a hazard to a*
8 *law enforcement agency or an emergency response agency or warns*
9 *another person of a hazard, whether or not the person is required to take*
10 *such action pursuant to section 14 of this act, the person is presumed to*
11 *have taken the action in good faith unless the person is being prosecuted*
12 *for a criminal violation, including, without limitation, a violation of the*
13 *provisions of NRS 207.161 to 207.167, inclusive, or 207.245.*

14 **Sec. 16. 1.** *Except as otherwise provided in this section, if a person*
15 *knows or has reasonable cause to believe that another person has*
16 *committed a violent criminal offense, the person shall:*

17 **(a)** *Report the commission of the violent criminal offense to a law*
18 *enforcement agency; and*

19 **(b)** *Make such a report as soon as reasonably practicable but not later*
20 *than 24 hours after the person knows or has reasonable cause to believe*
21 *that the other person has committed the violent criminal offense.*

22 **2.** *If a person who is required to make a report pursuant to*
23 *subsection 1 knows or has reasonable cause to believe that the person*
24 *who committed the violent criminal offense is a peace officer or employee*
25 *of a law enforcement agency, the person shall report the commission of*
26 *the violent criminal offense to a law enforcement agency other than the*
27 *one that employs the person who committed the violent criminal offense.*

28 **3.** *A person who knowingly and willfully violates any of the*
29 *provisions of this section is guilty of:*

30 **(a)** *A gross misdemeanor, if another person dies as a result of the*
31 *violation; or*

32 **(b)** *A misdemeanor, if the provisions of paragraph (a) do not*
33 *otherwise apply.*

34 **4.** *A person may be prosecuted and convicted pursuant to this section*
35 *whether or not the person who committed the violent criminal offense is*
36 *or has been prosecuted or convicted in this state for:*

37 **(a)** *The violent criminal offense; or*

38 **(b)** *Any other offense arising out of the same facts as the violent*
39 *criminal offense.*

40 **5.** *Except as otherwise provided by the Constitution of the United*
41 *States or the constitution of this state and except as otherwise provided in*
42 *this section:*

1 (a) A person who knows or has reasonable cause to believe that
2 another person has committed a violent criminal offense shall make a
3 report to a law enforcement agency pursuant to this section whether or
4 not the person acquired any or all of his knowledge of the commission of
5 the violent criminal offense during a communication or proceeding that
6 is protected by a privilege set forth in chapter 49 of NRS;

7 (b) A privilege set forth in chapter 49 of NRS may not be invoked by a
8 person as a defense to prosecution and conviction pursuant to this
9 section; and

10 (c) Evidence may not be excluded in a prosecution pursuant to this
11 section on the ground that the evidence would otherwise be privileged
12 against disclosure pursuant to chapter 49 of NRS.

13 6. The provisions of this section do not apply to a person if the
14 person:

15 (a) Is, by blood or marriage, the spouse, brother, sister, parent,
16 grandparent, child or grandchild of:

17 (1) The person who is the victim of the violent criminal offense; or

18 (2) The person who committed the violent criminal offense;

19 (b) Suffers from a mental or physical impairment or disability that, in
20 light of all the surrounding facts and circumstances, would make it
21 impracticable for the person to comply with the provisions of this section;

22 (c) Knows or has reasonable cause to believe that the violent criminal
23 offense would constitute abuse, neglect, exploitation or isolation of an
24 older person, as defined in NRS 200.5092, and the person reports the
25 abuse, neglect, exploitation or isolation of the older person pursuant to
26 NRS 200.5093;

27 (d) Knows or has reasonable cause to believe that the violent criminal
28 offense would constitute abuse or neglect of a child, as defined in NRS
29 432B.020, and the person reports the abuse or neglect of the child
30 pursuant to NRS 432B.220;

31 (e) Knows or has reasonable cause to believe that reporting the violent
32 criminal offense to a law enforcement agency would place the person or
33 any other person who is related to him by blood or marriage or who
34 resides in the same household as him, whether or not the other person is
35 related to him by blood or marriage, in imminent danger of suffering
36 substantial bodily harm; or

37 (f) Is a clergyman, practitioner of Christian Science or religious
38 healer and the person acquired his knowledge of the commission of the
39 violent criminal offense during a confession made to him in his
40 professional capacity by the person who committed the violent criminal
41 offense.

1 **Sec. 17. 1. Whether or not a person is required to make a report**
2 **pursuant to section 16 of this act and except as otherwise provided in this**
3 **section, if a person is present at or near the scene of a violent criminal**
4 **offense and the person knows or has reasonable cause to believe that**
5 **another person has suffered substantial bodily harm as a result of the**
6 **violent criminal offense and is likely to suffer additional bodily harm or**
7 **die if reasonable aid or assistance is not provided to him, the person shall**
8 **provide reasonable aid or assistance to the other person as soon as**
9 **reasonably practicable, unless the person knows or has reasonable cause**
10 **to believe that another person is providing such aid or assistance.**

11 **2. For the purposes of this section:**

12 **(a) A person provides “reasonable aid or assistance” to another**
13 **person if, in light of all the surrounding facts and circumstances which**
14 **are known or which reasonably should be known to the person at the**
15 **time and in light of the knowledge and abilities of the person, a**
16 **reasonable person with the same or similar knowledge and abilities**
17 **would provide the same or similar aid or assistance to the other person**
18 **under those facts and circumstances.**

19 **(b) “Reasonable aid or assistance”:**

20 **(1) Must include summoning a law enforcement agency or an**
21 **emergency response agency as soon as reasonably practicable, unless the**
22 **person who is required to provide reasonable aid or assistance knows or**
23 **has reasonable cause to believe that a law enforcement agency or an**
24 **emergency response agency already knows of the situation or that**
25 **another person already has summoned such an agency; and**

26 **(2) May be limited to summoning a law enforcement agency or an**
27 **emergency response agency as soon as reasonably practicable, depending**
28 **upon all the surrounding facts and circumstances which are known or**
29 **which reasonably should be known to the person at the time and**
30 **depending upon the knowledge and abilities of the person.**

31 **3. A person who knowingly and willfully violates any of the**
32 **provisions of this section is guilty of:**

33 **(a) A gross misdemeanor, if another person dies as a result of the**
34 **violation; or**

35 **(b) A misdemeanor, if the provisions of paragraph (a) do not**
36 **otherwise apply.**

37 **4. The provisions of this section do not apply to a person if:**

38 **(a) The person has suffered substantial bodily harm as a result of the**
39 **violent criminal offense;**

40 **(b) The person suffers from any other mental or physical impairment**
41 **or disability that, in light of all the surrounding facts and circumstances,**
42 **makes it impracticable for the person to comply with the provisions of**
43 **this section;**

1 (c) *The person knows or has reasonable cause to believe that*
2 *complying with the provisions of this section would place him or another*
3 *person in imminent danger of suffering substantial bodily harm; or*

4 (d) *In light of the nature of the violent criminal offense and all the*
5 *other surrounding facts and circumstances which are known or which*
6 *reasonably should be known to the person at the time, it would not be*
7 *possible for a reasonable person, under those facts and circumstances, to*
8 *comply with the provisions of this section.*

9 **Sec. 18.** *If a person reports to a law enforcement agency that*
10 *another person has committed a violent criminal offense, whether or not*
11 *the person is required to make such a report pursuant to section 16 of*
12 *this act, and the violent criminal offense would constitute:*

13 1. *Abuse or neglect of a child, as defined in NRS 432B.020, the*
14 *report made by the person shall be deemed to be a report of the abuse or*
15 *neglect of the child that has been made pursuant to NRS 432B.220 and:*

16 (a) *The appropriate agencies shall act upon the report pursuant to*
17 *chapter 432B of NRS; and*

18 (b) *The report may be used in the same manner as other reports that*
19 *are made pursuant to NRS 432B.220; or*

20 2. *Abuse, neglect, exploitation or isolation of an older person, the*
21 *report made by the person shall be deemed to be a report of the abuse,*
22 *neglect, exploitation or isolation of the older person that has been made*
23 *pursuant to NRS 200.5093 and:*

24 (a) *The appropriate agencies shall act upon the report pursuant to*
25 *NRS 200.5091 to 200.50995, inclusive, and section 1 of this act; and*

26 (b) *The report may be used in the same manner as other reports that*
27 *are made pursuant to NRS 200.5093.*

28 **Sec. 19.** 1. *If a person who is required to report the commission of*
29 *a violent criminal offense pursuant to section 16 of this act makes such a*
30 *report to a law enforcement agency in good faith and in accordance with*
31 *that section, the person is immune from civil or criminal liability for any*
32 *act or omission related to that report, but the person is not immune from*
33 *civil or criminal liability for any other act or omission committed by the*
34 *person as part of, in connection with or as a principal or accessory to the*
35 *violent criminal offense, regardless of the nature of the other act or*
36 *omission.*

37 2. *If a person who is not required to report the commission of a*
38 *violent criminal offense pursuant to section 16 of this act makes such a*
39 *report to a law enforcement agency in good faith, the person is immune*
40 *from civil or criminal liability for any act or omission related to that*

1 *report, but the person is not immune from civil or criminal liability for*
2 *any other act or omission committed by the person as part of, in*
3 *connection with or as a principal or accessory to the violent criminal*
4 *offense, regardless of the nature of the other act or omission.*

5 *3. For the purposes of this section, if a person reports to a law*
6 *enforcement agency that another person has committed a violent*
7 *criminal offense, whether or not the person is required to make such a*
8 *report pursuant to section 16 of this act, the person is presumed to have*
9 *made the report in good faith unless the person is being prosecuted for a*
10 *criminal violation, including, without limitation, a violation of the*
11 *provisions of NRS 207.280.*

12 **Sec. 20.** *The provisions of sections 8 to 20, inclusive, of this act,*
13 *must not be construed to:*

14 *1. Create a civil cause of action for damages against a person who*
15 *fails to take any action required pursuant to sections 8 to 20, inclusive, of*
16 *this act; or*

17 *2. Abrogate or limit a civil cause of action for damages against a*
18 *person who fails to take any action required pursuant to sections 8 to 20,*
19 *inclusive, of this act, if the cause of action is provided for by another*
20 *statute or the common law.*

21 **Sec. 21.** NRS 41.500 is hereby amended to read as follows:

22 41.500 1. Except as otherwise provided in NRS 41.505, any person
23 in this state who ~~renders~~ :

24 *(a) Renders* emergency care or assistance in an emergency, gratuitously
25 and in good faith, is not liable for any civil damages as a result of any act
26 or omission, not amounting to gross negligence, by him in rendering the
27 emergency care or assistance or as a result of any act or failure to act, not
28 amounting to gross negligence, to provide or arrange for further medical
29 treatment for the injured person ~~H~~ ; or

30 *(b) Provides reasonable aid or assistance to another person pursuant*
31 *to sections 8 to 20, inclusive, of this act, is not liable for any civil*
32 *damages as a result of any act or omission, not amounting to gross*
33 *negligence, by him in providing the aid or assistance or as a result of any*
34 *act or failure to act, not amounting to gross negligence, to provide or*
35 *arrange for further medical treatment for the other person.*

36 2. Any person in this state who acts as a driver of an ambulance or
37 attendant on an ambulance operated by a volunteer service or as a
38 volunteer driver or attendant on an ambulance operated by a political
39 subdivision of this state, or owned by the Federal Government and
40 operated by a contractor of the Federal Government, and who in good faith
41 renders emergency care or assistance to any injured or ill person, whether
42 at the scene of an emergency or while transporting an injured or ill person
43 to or from any clinic, doctor's office or other medical facility, is not liable

1 for any civil damages as a result of any act or omission, not amounting to
2 gross negligence, by him in rendering the emergency care or assistance, or
3 as a result of any act or failure to act, not amounting to gross negligence, to
4 provide or arrange for further medical treatment for the injured or ill
5 person.

6 3. Any appointed member of a volunteer service operating an
7 ambulance or an appointed volunteer serving on an ambulance operated by
8 a political subdivision of this state, other than a driver or attendant, of an
9 ambulance, is not liable for any civil damages as a result of any act or
10 omission, not amounting to gross negligence, by him whenever he is
11 performing his duties in good faith.

12 4. Any person who is a member of a search and rescue organization in
13 this state under the direct supervision of any county sheriff who in good
14 faith renders care or assistance in an emergency to any injured or ill
15 person, whether at the scene of an emergency or while transporting an
16 injured or ill person to or from any clinic, doctor's office or other medical
17 facility, is not liable for any civil damages as a result of any act or
18 omission, not amounting to gross negligence, by him in rendering the
19 emergency care or assistance, or as a result of any act or failure to act, not
20 amounting to gross negligence, to provide or arrange for further medical
21 treatment for the injured or ill person.

22 5. Any person who is employed by or serves as a volunteer for a
23 public fire-fighting agency and who is authorized pursuant to chapter 450B
24 of NRS to render emergency medical care at the scene of an emergency is
25 not liable for any civil damages as a result of any act or omission, not
26 amounting to gross negligence, by that person in rendering that care , or as
27 a result of any act or failure to act, not amounting to gross negligence, to
28 provide or arrange for further medical treatment for the injured or ill
29 person.

30 6. Any person who:

31 (a) Has successfully completed a course in cardiopulmonary
32 resuscitation according to the guidelines of the American National Red
33 Cross or American Heart Association;

34 (b) Has successfully completed the training requirements of a course in
35 basic emergency care of a person in cardiac arrest conducted in accordance
36 with the standards of the American Heart Association; or

37 (c) Is directed by the instructions of a dispatcher for an ambulance, air
38 ambulance or other agency that provides emergency medical services
39 before its arrival at the scene of the emergency,

40 and who in good faith renders cardiopulmonary resuscitation in accordance
41 with his training or the direction, other than in the course of his regular

1 employment or profession, is not liable for any civil damages as a result of
2 any act or omission, not amounting to gross negligence, by that person in
3 rendering that care.

4 7. For the purposes of subsection 6, a person who:

5 (a) Is required to be certified in the administration of cardiopulmonary
6 resuscitation pursuant to NRS 391.092; and

7 (b) In good faith renders cardiopulmonary resuscitation on the property
8 of a public school or in connection with a transportation of pupils to or
9 from a public school or while on activities that are part of the program of a
10 public school,

11 shall be presumed to have acted other than in the course of his regular
12 employment or profession.

13 8. Any person who has successfully completed the training
14 requirements of a course in basic emergency care of a person in cardiac
15 arrest that:

16 (a) Included training in the operation and use of an automatic external
17 defibrillator; and

18 (b) Was conducted in accordance with the standards of the American
19 Heart Association,

20 and who renders emergency medical care involving the use of an
21 automatic external defibrillator in accordance with his training is not liable
22 for any civil damages as a result of any act or omission, not amounting to
23 gross negligence, by that person in rendering that care. A business or
24 organization that employs a person who renders emergency care in
25 accordance with this subsection is not liable for any civil damages as a
26 result of any act or omission, not amounting to gross negligence, by the
27 person rendering such care or for providing the automatic external
28 defibrillator to the person for the purpose of rendering such care.

29 **Sec. 22.** Chapter 432B of NRS is hereby amended by adding thereto a
30 new section to read as follows:

31 *For the purposes of this chapter, a person:*

32 *1. Has “reasonable cause to believe” if, in light of all the*
33 *surrounding facts and circumstances which are known or which*
34 *reasonably should be known to the person at the time, a reasonable*
35 *person would believe, under those facts and circumstances, that an act,*
36 *transaction, event, situation or condition exists, is occurring or has*
37 *occurred.*

38 *2. Acts “as soon as reasonably practicable” if, in light of all the*
39 *surrounding facts and circumstances which are known or which*
40 *reasonably should be known to the person at the time, a reasonable*
41 *person would act within approximately the same period under those facts*
42 *and circumstances.*

1 **Sec. 23.** NRS 432B.160 is hereby amended to read as follows:
2 432B.160 1. Immunity from civil or criminal liability extends to
3 every person who in good faith:
4 (a) Makes a report pursuant to ~~{the provisions of}~~ NRS 432B.220;
5 (b) Conducts an interview or allows an interview to be taken pursuant to
6 NRS 432B.270;
7 (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;
8 (d) Holds a child pursuant to NRS 432B.400 or places a child in
9 protective custody;
10 (e) Refers a case or recommends the filing of a petition pursuant to
11 NRS 432B.380; or
12 (f) Participates in a judicial proceeding resulting from a referral or
13 recommendation.
14 2. In any proceeding to impose liability against a person for:
15 (a) Making a report pursuant to ~~{subsection 2 of}~~ NRS 432B.220; or
16 (b) Any of the acts set forth in paragraphs (b) to (f), inclusive, of
17 subsection 1,
18 there is a presumption that the person acted in good faith.
19 **Sec. 24.** NRS 432B.220 is hereby amended to read as follows:
20 432B.220 1. ~~{A report must be made}~~ *Any person who is described*
21 *in subsection 3 and who, in his professional or occupational capacity,*
22 *knows or has reasonable cause to believe that a child has been abused or*
23 *neglected shall:*
24 (a) *Except as otherwise provided in subsection 2, report the abuse or*
25 *neglect of the child* to an agency which provides protective services or to a
26 law enforcement agency ~~{immediately, but in no event}~~ ; and
27 (b) *Make such a report as soon as reasonably practicable but not* later
28 than 24 hours after ~~{there is reason}~~ *the person knows or has reasonable*
29 *cause* to believe that ~~{a}~~ *the* child has been abused or neglected.
30 2. If ~~{the report of}~~ *a person who is required to make a report*
31 *pursuant to subsection 1 knows or has reasonable cause to believe that*
32 *the* abuse or neglect of ~~{a}~~ *the* child involves ~~{the acts or omissions}~~ *an act*
33 *or omission* of:
34 (a) A person directly responsible or serving as a volunteer for or an
35 employee of a public or private home, institution or facility where the child
36 is receiving child care outside of his home for a portion of the day, the
37 *person shall make the* report ~~{must be made}~~ to a law enforcement agency.
38 (b) An agency which provides protective services or a law enforcement
39 agency, the *person shall make the* report ~~{must be made to and the~~
40 ~~investigation made by}~~ *to* an agency other than the one alleged to have
41 committed the ~~{acts ————— or ————— omissions.~~

1 ~~2. Reports~~ *act or omission, and the investigation of the abuse or*
2 *neglect of the child must be made by an agency other than the one*
3 *alleged to have committed the act or omission.*

4 **3.** A report must be made *pursuant to subsection 1* by the following
5 persons : ~~[who, in their professional or occupational capacities, know or~~
6 ~~have reason to believe that a child has been abused or neglected:]~~

7 (a) A physician, dentist, dental hygienist, chiropractor, optometrist,
8 podiatric physician, medical examiner, resident, intern, professional or
9 practical nurse, physician's assistant, psychiatrist, psychologist, marriage
10 and family therapist, alcohol or drug abuse counselor, advanced
11 emergency medical technician or other person providing medical services
12 licensed or certified in this state;

13 (b) Any personnel of a hospital or similar institution engaged in the
14 admission, examination, care or treatment of persons or an administrator,
15 manager or other person in charge of a hospital or similar institution upon
16 notification of suspected abuse or neglect of a child by a member of the
17 staff of the hospital;

18 (c) A coroner;

19 (d) A clergyman, practitioner of Christian Science or religious healer,
20 unless he has acquired the knowledge of the abuse or neglect from the
21 offender during a confession;

22 (e) A social worker and an administrator, teacher, librarian or counselor
23 of a school;

24 (f) Any person who maintains or is employed by a facility or
25 establishment that provides care for children, children's camp or other
26 public or private facility, institution or agency furnishing care to a child;

27 (g) Any person licensed to conduct a foster home;

28 (h) Any officer or employee of a law enforcement agency or an adult or
29 juvenile probation officer;

30 (i) An attorney, unless he has acquired the knowledge of the abuse or
31 neglect from a client who is or may be accused of the abuse or neglect; and

32 (j) Any person who maintains, is employed by or serves as a volunteer
33 for an agency or service which advises persons regarding abuse or neglect
34 of a child and refers them to persons and agencies where their requests and
35 needs can be met.

36 ~~[3.]~~ **4.** A report may be made by any other person.

37 ~~[4. Any]~~

38 **5.** If a person *who is* required to *make a* report ~~[under this section~~
39 ~~who]~~ *pursuant to subsection 1 knows or* has reasonable cause to believe
40 that a child has died as a result of abuse or neglect , *the person* shall , *as*
41 *soon as reasonably practicable*, report this belief to the appropriate
42 medical examiner or coroner, who shall investigate the report and submit
43 to

1 an agency which provides protective services his written findings . ~~to~~
2 ~~which~~ *The written findings* must include , *if obtainable*, the information
3 required ~~under~~ *pursuant to* the provisions of subsection 2 of NRS
4 432B.230.

5 **Sec. 25.** NRS 432B.230 is hereby amended to read as follows:

6 432B.230 1. ~~{The report required under the provisions of subsection~~
7 ~~1 of}~~ *A person may make a report pursuant to* NRS 432B.220 ~~{may be~~
8 ~~made verbally,}~~ by telephone or ~~{otherwise,}~~ , *in light of all the*
9 *surrounding facts and circumstances which are known or which*
10 *reasonably should be known to the person at the time, by any other*
11 *means of oral, written or electronic communication that a reasonable*
12 *person would believe, under those facts and circumstances, is a reliable*
13 *and swift means of communicating information to the person who*
14 *receives the report. If the report is made orally, the person who receives*
15 *the report must reduce it to writing as soon as reasonably practicable.*

16 2. The report must contain the following information, if obtainable:

17 (a) The name, address, age and sex of the child;

18 (b) The name and address of the child's parents or other person
19 responsible for his care;

20 (c) The nature and extent of the abuse or neglect of the child;

21 (d) Any evidence of previously known or suspected abuse or neglect of
22 the child or the child's siblings;

23 (e) The name, address and relationship, if known, of the person who is
24 alleged to have abused or neglected the child; and

25 (f) Any other information known to the person making the report that
26 the agency which provides protective services considers necessary.

27 **Sec. 26.** NRS 432B.250 is hereby amended to read as follows:

28 432B.250 Any person *who is* required to *make a* report ~~under~~
29 *pursuant to* NRS 432B.220 may not invoke any of the privileges ~~{granted~~
30 ~~under}~~ *set forth in* chapter 49 of NRS:

31 1. For his failure to *make a* report ~~{as required under}~~ *pursuant to*
32 NRS 432B.220;

33 2. In cooperating with an agency which provides protective services or
34 a guardian ad litem for a child; or

35 3. In any proceeding held pursuant to NRS 432B.410 to 432B.590,
36 inclusive.

37 **Sec. 27.** NRS 432B.290 is hereby amended to read as follows:

38 432B.290 1. Except as otherwise provided in subsection 2 or 5, data
39 or information concerning reports and investigations thereof made
40 pursuant to this chapter may be made available only to:

41 (a) A physician ~~{who}~~ , *if the physician* has before him a child who he
42 ~~{reasonably believes may have}~~ *has reasonable cause to believe has* been
43 abused or neglected;

- 1 (b) A person authorized to place a child in protective custody, if ~~he~~
2 **the person** has before him a child who he ~~reasonably believes may have~~
3 **has reasonable cause to believe has** been abused or neglected and ~~he~~ **the**
4 **person** requires the information to determine whether to place the child in
5 protective custody;
- 6 (c) An agency, including, without limitation, an agency in another
7 jurisdiction, responsible for or authorized to undertake the care, treatment
8 or supervision of:
 - 9 (1) The child; or
 - 10 (2) The person responsible for the welfare of the child;
- 11 (d) A district attorney or other law enforcement officer who requires the
12 information in connection with an investigation or prosecution of abuse or
13 neglect of a child;
- 14 (e) A court, for in camera inspection only, unless the court determines
15 that public disclosure of the information is necessary for the determination
16 of an issue before it;
- 17 (f) A person engaged in bona fide research or an audit, but information
18 identifying the subjects of a report must not be made available to him;
- 19 (g) The guardian ad litem of the child;
- 20 (h) A grand jury upon its determination that access to these records is
21 necessary in the conduct of its official business;
- 22 (i) An agency which provides protective services or which is authorized
23 to receive, investigate and evaluate reports of abuse or neglect of a child;
- 24 (j) A person who or an organization that has entered into a written
25 agreement with an agency which provides protective services to provide
26 assessments or services and that has been trained to make such assessments
27 or provide such services;
- 28 (k) A team organized for the protection of a child pursuant to NRS
29 432B.350;
- 30 (l) A team organized pursuant to NRS 432B.405 to review the death of
31 a child;
- 32 (m) A parent or legal guardian of the child, if the identity of the person
33 responsible for reporting the alleged abuse or neglect of the child to a
34 public agency is kept confidential;
- 35 (n) The person named in the report as allegedly being abused or
36 neglected, if he is not a minor or otherwise legally incompetent;
- 37 (o) An agency that is authorized by law to license foster homes or
38 facilities for children or to investigate persons applying for approval to
39 adopt a child, if the agency has before it an application for that license or is
40 investigating an applicant to adopt a child;

(p) Upon written consent of the parent, any officer of this state or a city or county thereof or legislator authorized by the agency or department having jurisdiction or by the legislature, acting within its jurisdiction, to investigate the activities or programs of an agency that provides protective services if:

(1) The identity of the person making the report is kept confidential; and

(2) The officer, legislator or a member of his family is not the person alleged to have committed the abuse or neglect;

(q) The division of parole and probation of the department of motor vehicles and public safety for use pursuant to NRS 176.135 in making a presentence investigation and report to the district court; or

(r) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides protective services or to a law enforcement agency.

2. Except as otherwise provided in subsection 3, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available to any member of the general public if the child who is the subject of the report dies or is critically injured as a result of alleged abuse or neglect, except that the data or information which may be disclosed is limited to:

(a) The fact that a report of abuse or neglect has been made and, if appropriate, a factual description of the contents of the report;

(b) Whether an investigation has been initiated pursuant to NRS 432B.260, and the result of a completed investigation; and

(c) Such other information authorized for disclosure by a court pursuant to subsection 4.

3. An agency which provides protective services shall not disclose data or information pursuant to subsection 2 if the agency determines that the disclosure is not in the best interests of the child or if disclosure of the information would adversely affect any pending investigation concerning the report.

4. Upon petition, a court of competent jurisdiction may authorize the disclosure of additional information to the public pursuant to subsection 2 if good cause is shown by the petitioner for the disclosure of the additional information.

5. An agency investigating a report of the abuse or neglect of a child shall, upon request, provide to a person named in the report as allegedly causing the abuse or neglect of the child:

(a) A copy of:

(1) Any statement made in writing to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child;

or

(2) Any recording made by the agency of any statement made orally to an investigator for the agency by the person named in the report as allegedly causing the abuse or neglect of the child; or

(b) A written summary of the allegations made against the person who is named in the report as allegedly causing the abuse or neglect of the child. The summary must not identify the person responsible for reporting the alleged abuse or neglect.

6. Any person, except for:

(a) The subject of a report;

(b) A district attorney or other law enforcement officer initiating legal proceedings; or

(c) An employee of the division of parole and probation of the department of motor vehicles and public safety making a presentence investigation and report to the district court pursuant to NRS 176.135, who is given access, pursuant to subsection 1 or 2, to information identifying the subjects of a report **and** who makes this information public is guilty of a misdemeanor.

7. The division of child and family services shall adopt regulations to carry out the provisions of this section.

Sec. 28. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsection 2, data or information concerning reports and investigations thereof made pursuant to this chapter may be made available only to:

(a) A physician ~~{who}~~, **if the physician** has before him a child who he ~~{reasonably believes may have}~~ **has reasonable cause to believe has** been abused or neglected;

(b) A person authorized to place a child in protective custody, if ~~{he}~~ **the person** has before him a child who he ~~{reasonably believes may have}~~ **has reasonable cause to believe has** been abused or neglected and ~~{he}~~ **the person** requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of abuse or neglect of a child;

(e) A court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before

it;

1 (f) A person engaged in bona fide research or an audit, but information
2 identifying the subjects of a report must not be made available to him;

3 (g) The guardian ad litem of the child;

4 (h) A grand jury upon its determination that access to these records is
5 necessary in the conduct of its official business;

6 (i) An agency which provides protective services or which is authorized
7 to receive, investigate and evaluate reports of abuse or neglect of a child;

8 (j) A team organized for the protection of a child pursuant to NRS
9 432B.350;

10 (k) A parent or legal guardian of the child, if the identity of the person
11 responsible for reporting the alleged abuse or neglect of the child to a
12 public agency is kept confidential;

13 (l) The person named in the report as allegedly being abused or
14 neglected, if he is not a minor or otherwise legally incompetent;

15 (m) An agency that is authorized by law to license foster homes or
16 facilities for children or to investigate persons applying for approval to
17 adopt a child, if the agency has before it an application for that license or is
18 investigating an applicant to adopt a child;

19 (n) Upon written consent of the parent, any officer of this state or a city
20 or county thereof or legislator authorized, by the agency or department
21 having jurisdiction or by the legislature, acting within its jurisdiction, to
22 investigate the activities or programs of an agency that provides protective
23 services if:

24 (1) The identity of the person making the report is kept confidential;
25 and

26 (2) The officer, legislator or a member of his family is not the person
27 alleged to have committed the abuse or neglect; or

28 (o) The division of parole and probation of the department of motor
29 vehicles and public safety for use pursuant to NRS 176.135 in making a
30 presentence investigation and report to the district court.

31 2. An agency investigating a report of the abuse or neglect of a child
32 shall, upon request, provide to a person named in the report as allegedly
33 causing the abuse or neglect of the child:

34 (a) A copy of:

35 (1) Any statement made in writing to an investigator for the agency
36 by the person named in the report as allegedly causing the abuse or neglect
37 of the child; or

38 (2) Any recording made by the agency of any statement made orally
39 to an investigator for the agency by the person named in the report as
40 allegedly causing the abuse or neglect of the child; or

1 (b) A written summary of the allegations made against the person who
2 is named in the report as allegedly causing the abuse or neglect of the
3 child. The summary must not identify the person responsible for reporting
4 the alleged abuse or neglect.

5 3. Any person, except for:

6 (a) The subject of a report;

7 (b) A district attorney or other law enforcement officer initiating legal
8 proceedings; or

9 (c) An employee of the division of parole and probation of the
10 department of motor vehicles and public safety making a presentence
11 investigation and report to the district court pursuant to NRS 176.135,
12 who is given access, pursuant to subsection 1, to information identifying
13 the subjects of a report *and* who makes this information public is guilty of
14 a misdemeanor.

15 4. The division of child and family services shall adopt regulations to
16 carry out the provisions of this section.

17 **Sec. 29.** The amendatory provisions of this act do not apply to a
18 person who violates NRS 200.5093 or 432B.220 or sections 8 to 20,
19 inclusive, of this act before October 1, 1999.

20 **Sec. 30.** 1. This section and sections 1 to 27, inclusive, and 29 of
21 this act become effective on October 1, 1999.

22 2. Section 27 of this act expires by limitation on June 30, 2001.

23 3. Section 28 of this act becomes effective on July 1, 2001.