

ASSEMBLY BILL NO. 267—ASSEMBLYMEN PERKINS, WILLIAMS, LEE, CARPENTER, OHRENSCHALL, THOMAS, DE BRAGA, BERMAN, CLABORN, ANDERSON, COLLINS, PARNELL, NEIGHBORS, MORTENSON, SEGERBLOM, BUCKLEY, FREEMAN, EVANS, GOLDWATER, BROWER, CHOWNING, MCCLAIN, PARKS, MANENDO, BACHE, TIFFANY, HETTRICK, PRICE, GIBBONS, LESLIE, NOLAN, BEERS, GIUNCHIGLIANI AND DINI

FEBRUARY 16, 1999

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JOINT SPONSORS: SENATORS JAMES, RAWSON, COFFIN, O'DONNELL, TITUS, AMODEI, CARE, CARLTON, MATHEWS, NEAL, PORTER, SCHNEIDER, SHAFFER, WASHINGTON AND WIENER

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Referred to Committee on Judiciary

SUMMARY—Requires person under certain circumstances to report certain violent or sexual offenses against child to law enforcement agency. (BDR 15-586)

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.

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AN ACT relating to public safety; requiring a person under certain circumstances to report certain violent or sexual offenses against a child to a law enforcement agency; providing for criminal penalties and civil liability for a person who fails to report certain violent or sexual offenses against a child to a law enforcement agency; revising the provisions governing reports of the abuse, neglect, exploitation or isolation of persons who are 60 years of age or older; 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:***

1     **1. Has “reasonable cause to believe” 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 believe, under those facts and circumstances, that an act,**  
5     **transaction, event, situation or condition exists, is occurring or has**  
6     **occurred.**

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

12    **Sec. 2.** NRS 200.5092 is hereby amended to read as follows:

13    200.5092 As used in NRS 200.5091 to 200.50995, inclusive, **and**  
14    **section 1 of this act,** unless the context otherwise requires:

15    1. “Abuse” means willful and unjustified:

- 16    (a) Infliction of pain, injury or mental anguish on an older person; or  
17    (b) Deprivation of food, shelter, clothing or services which are  
18    necessary to maintain the physical or mental health of an older person.

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

27    3. “Isolation” means willfully, maliciously and intentionally  
28    preventing an older person from having contact with another person by:  
29    (a) Intentionally preventing the older person from receiving his visitors,  
30    mail or telephone calls, including, without limitation, communicating to a  
31    person who comes to visit the older person or a person who telephones the  
32    older person that the older person is not present or does not want to meet  
33    with or talk to the visitor or caller knowing that the statement is false,  
34    contrary to the express wishes of the older person and intended to prevent  
35    the older person from having contact with the visitor; or

36    (b) Physically restraining the older person to prevent the older person  
37    from meeting with a person who comes to visit the older person.  
38    The term does not include an act intended to protect the property or  
39    physical or mental welfare of the older person or an act performed  
40    pursuant to the instructions of a physician of the older person.

41    4. “Neglect” means the failure of:

42    (a) A person who has assumed legal responsibility or a contractual  
43    obligation for caring for an older person or who has voluntarily assumed

responsibility for his care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person; or

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

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]~~

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

5     (a) Every physician, dentist, dental hygienist, chiropractor, optometrist,  
6 podiatric physician, medical examiner, resident, intern, professional or  
7 practical nurse, physician's assistant, psychiatrist, psychologist, marriage  
8 and family therapist, alcohol or drug abuse counselor, driver of an  
9 ambulance, advanced emergency medical technician or other person  
10 providing medical services licensed or certified to practice in this state,  
11 who examines, attends or treats an older person who appears to have been  
12 abused, neglected, exploited or isolated.

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 the suspected abuse, neglect, exploitation or isolation of an  
17 older person by a member of the staff of the hospital.

18     (c) A coroner.

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

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

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

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

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

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

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

36     (k) Every social worker.

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

39     ~~[3.]~~ **5.** A report may be ~~{filed}~~ **made** by any other person.

40     ~~[4.—A]~~

41     **6. If a** person **who is** required to make a report pursuant to ~~{this~~  
42 ~~section who}~~ **subsection 1 knows or** has reasonable cause to believe that an  
43 older person has died as a result of abuse, neglect or isolation , **the person**

1 shall ,

1 *as soon as reasonably practicable*, report this belief to the appropriate  
2 medical examiner or coroner, who shall investigate the cause of death of  
3 the older person and submit to the appropriate local law enforcement  
4 agencies, the appropriate prosecuting attorney and the aging services  
5 division of the department of human resources his written findings. The  
6 written findings must include the information required pursuant to the  
7 provisions of NRS 200.5094, when possible.

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

15 ~~{6.}~~ 8. If the investigation of ~~{the}~~ a report results in the belief that  
16 ~~{the}~~ an older person is abused, neglected, exploited or isolated, the  
17 welfare division of the department of human resources or the county's  
18 office for protective services may provide protective services to the older  
19 person if he is able and willing to accept them.

20 ~~{7.}~~ 9. A person who knowingly and willfully violates any of the  
21 provisions of this section is guilty of a misdemeanor.

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

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

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

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

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

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

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

41 (e) Any evidence of previous injuries; and

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

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

4 200.50984 1. Notwithstanding any other statute to the contrary, the  
5 local office of the welfare division of the department of human resources  
6 and a county's office for protective services, if one exists in the county  
7 where a violation is alleged to have occurred, may for the purpose of  
8 investigating an alleged violation of NRS 200.5091 to 200.50995,  
9 inclusive, *and section 1 of this act* inspect all records pertaining to the  
10 older person on whose behalf the investigation is being conducted,  
11 including, but not limited to, that person's medical and financial records.

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

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

29 200.50986 The local office of the welfare division or the county's  
30 office for protective services may petition a court in accordance with NRS  
31 159.185 or 159.1905 for the removal of the guardian of an older person, or  
32 the termination or modification of that guardianship, if, based on its  
33 investigation, the welfare division or the county's office of protective  
34 services has ~~reason~~ *reasonable cause* to believe that the guardian is  
35 abusing, neglecting, exploiting or isolating the older person in violation of  
36 NRS 200.5095 to 200.50995, inclusive ~~[-]~~, *and section 1 of this act.*

37 **Sec. 7.** Chapter 202 of NRS is hereby amended by adding thereto the  
38 provisions set forth as sections 8 to 15, inclusive, of this act.

39 **Sec. 8.** *As used in sections 8 to 15, inclusive, of this act, unless the*  
40 *context otherwise requires, the words and terms defined in sections 9, 10*  
41 *and 11 of this act have the meanings ascribed to them in those sections.*

42 **Sec. 9.** *"Child" means a person who is less than 18 years of age.*

**Sec. 10. "Law enforcement agency" means:**

**1. The office of the attorney general or the office of a district attorney within this state and any attorney, investigator, special investigator or employee who is acting in his professional or occupational capacity for such an office; or**

**2. Any other law enforcement agency within this state and any peace officer or employee who is acting in his professional or occupational capacity for such an agency.**

**Sec. 11. "Violent or sexual offense" means any act that, if prosecuted in this state, would constitute any of the following offenses, whether or not the person who committed the act is or has been prosecuted or convicted in this state for the offense:**

**1. Murder or voluntary manslaughter pursuant to NRS 200.010 to 200.260, inclusive.**

**2. Mayhem pursuant to NRS 200.280.**

**3. Kidnaping pursuant to NRS 200.310 to 200.340, inclusive.**

**4. Sexual assault pursuant to NRS 200.366.**

**5. Robbery pursuant to NRS 200.380.**

**6. Administering poison or another noxious or destructive substance or liquid with intent to cause death pursuant to NRS 200.390.**

**7. Battery with intent to commit a crime pursuant to NRS 200.400.**

**8. Administering a drug or controlled substance with intent to commit a felony or crime of violence pursuant to NRS 200.405 or 200.408.**

**9. False imprisonment pursuant to NRS 200.460, if the false imprisonment involves the use or threatened use of force or violence against the victim or the use or threatened use of a firearm or a deadly weapon.**

**10. Assault with a deadly weapon pursuant to NRS 200.471.**

**11. Battery which is committed with the use of a deadly weapon or which results in substantial bodily harm pursuant to NRS 200.481.**

**12. An offense involving pornography and a minor pursuant to NRS 200.710 or 200.720.**

**13. Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.**

**14. Intentional transmission of the human immunodeficiency virus pursuant to NRS 201.205.**

**15. Open or gross lewdness pursuant to NRS 201.210.**

**16. Lewdness with a child pursuant to NRS 201.230.**

**17. An offense involving pandering or prostitution in violation of NRS 201.300, 201.320 or 201.340.**

1     18.   Coercion pursuant to NRS 207.190, if the coercion involves the  
2     use or threatened use of force or violence against the victim or the use or  
3     threatened use of a firearm or a deadly weapon.

4     19.   An attempt, conspiracy or solicitation to commit an offense listed  
5     in subsections 1 to 18, inclusive.

6     **Sec. 12.**   For the purposes of sections 8 to 15, inclusive, of this act, a  
7     person:

8         1.   Has “reasonable cause to believe” if, 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, a reasonable  
11        person would believe, under those facts and circumstances, that an act,  
12        transaction, event, situation or condition exists, is occurring or has  
13        occurred.

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

19       3.   May make a report by telephone or, in light of all the surrounding  
20        facts and circumstances which are known or which reasonably should be  
21        known to the person at the time, by any other means of oral, written or  
22        electronic communication that a reasonable person would believe, under  
23        those facts and circumstances, is a reliable and swift means of  
24        communicating information to the person who receives the information.

25     **Sec. 13.**   1.   Except as otherwise provided in this section, if a person  
26     knows or has reasonable cause to believe that another person has  
27     committed a violent or sexual offense against a child, the person shall:

28         (a) Report the commission of the violent or sexual offense against the  
29         child to a law enforcement agency; and

30         (b) Make such a report as soon as reasonably practicable but not later  
31         than 24 hours after the person knows or has reasonable cause to believe  
32         that the other person has committed the violent or sexual offense against  
33         the child.

34       2.   If a person who is required to make a report pursuant to  
35        subsection 1 knows or has reasonable cause to believe that the person  
36        who committed the violent or sexual offense against the child is a peace  
37        officer or employee of a law enforcement agency, the person shall report  
38        the commission of the violent or sexual offense against the child to a law  
39        enforcement agency that does not employ the person who committed the  
40        violent or sexual offense against the child.

41       3.   A person who makes a report pursuant to subsection 1 shall  
42        include in the report, without limitation:

1 (a) If known, the name of the child and the name of the person who  
2 committed the violent or sexual offense against the child;

3 (b) The location where the violent or sexual offense was committed;  
4 and

5 (c) The facts and circumstances which support the person's belief that  
6 the violent or sexual offense was committed.

7 4. A person who knowingly and willfully violates any of the  
8 provisions of this section is guilty of a misdemeanor.

9 5. A person may be prosecuted and convicted pursuant to this section  
10 whether or not the person who committed the violent or sexual offense  
11 against the child is or has been prosecuted or convicted in this state for:

12 (a) The violent or sexual offense against the child; or

13 (b) Any other offense arising out of the same facts as the violent or  
14 sexual offense against the child.

15 6. Except as otherwise provided by the Constitution of the United  
16 States or the constitution of this state and except as otherwise provided in  
17 this section:

18 (a) A person who knows or has reasonable cause to believe that  
19 another person has committed a violent or sexual offense against a child  
20 shall make a report to a law enforcement agency pursuant to this section  
21 whether or not the person acquired any or all of his knowledge of the  
22 commission of the violent or sexual offense against the child during a  
23 communication or proceeding that is protected by a privilege set forth in  
24 chapter 49 of NRS;

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

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

31 7. The provisions of this section do not apply to a person if the  
32 person:

33 (a) Is less than 18 years of age, unless the person previously has been:

34 (1) Charged with committing an unlawful act that is excluded from  
35 the jurisdiction of the juvenile court pursuant to chapter 62 of NRS or  
36 charged with committing a similar act in any other jurisdiction;

37 (2) Certified for criminal proceedings as an adult pursuant to  
38 chapter 62 of NRS or pursuant to a certification or transfer proceeding  
39 in any other jurisdiction; or

40 (3) Convicted of a criminal offense in this state or any other  
41 jurisdiction;

42 (b) Is, by blood or marriage, the spouse, brother, sister, parent,  
43 grandparent, child or grandchild of:

1       (1) *The child who is the victim of the violent or sexual offense; or*

2       (2) *The person who committed the violent or sexual offense against*  
3 *the child;*

4       (c) *Suffers from a mental or physical impairment or disability that, in*  
5 *light of all the surrounding facts and circumstances, would make it*  
6 *impracticable for the person to report the commission of the violent or*  
7 *sexual offense against the child to a law enforcement agency;*

8       (d) *Knows or has reasonable cause to believe that the violent or sexual*  
9 *offense against the child would constitute abuse or neglect of a child, as*  
10 *defined in NRS 432B.020, and the person reports the abuse or neglect of*  
11 *the child pursuant to NRS 432B.220;*

12       (e) *Knows or has reasonable cause to believe that reporting the violent*  
13 *or sexual offense against the child to a law enforcement agency would*  
14 *place the person or any other person who is related to him by blood or*  
15 *marriage or who resides in the same household as him, whether or not*  
16 *the other person is related to him by blood or marriage, in imminent*  
17 *danger of suffering substantial bodily harm; or*

18       (f) *Is a clergyman, practitioner of Christian Science or religious*  
19 *healer and the person acquired his knowledge of the commission of the*  
20 *violent or sexual offense against the child during a confession made to*  
21 *him in his professional capacity by the person who committed the violent*  
22 *or sexual offense against the child.*

23       **Sec. 14.** *If a person reports to a law enforcement agency that*  
24 *another person has committed a violent or sexual offense against a child,*  
25 *whether or not the person is required to make such a report pursuant to*  
26 *section 13 of this act, and the violent or sexual offense against the child*  
27 *would constitute abuse or neglect of a child, as defined in NRS*  
28 *432B.020, the report made by the person shall be deemed to be a report*  
29 *of the abuse or neglect of the child that has been made pursuant to NRS*  
30 *432B.220 and:*

31       1. *The appropriate agencies shall act upon the report pursuant to*  
32 *chapter 432B of NRS; and*

33       2. *The report may be used in the same manner as other reports that*  
34 *are made pursuant to NRS 432B.220.*

35       **Sec. 15.** 1. *If a person who is required to make a report pursuant*  
36 *to section 13 of this act makes such a report in good faith and in*  
37 *accordance with that section, the person is immune from civil or criminal*  
38 *liability for any act or omission related to that report, but the person is*  
39 *not immune from civil or criminal liability for any other act or omission*  
40 *committed by the person as part of, in connection with or as a principal*  
41 *or accessory to the violent or sexual offense against the child, regardless*  
42 *of the nature of the other act or omission.*

2. *If a person is not required to make a report pursuant to section 13 of this act and the person makes such a report to a law enforcement agency in good faith, the person is immune from civil or criminal liability for any act or omission related to that report, but the person is not immune from civil or criminal liability for any other act or omission committed by the person as part of, in connection with or as a principal or accessory to the violent or sexual offense against the child, regardless of the nature of the other act or omission.*

3. *For the purposes of this section, if a person reports to a law enforcement agency that another person has committed a violent or sexual offense against a child, whether or not the person is required to make such a report pursuant to section 13 of this act, the person is presumed to have made the report in good faith unless the person is being prosecuted for a criminal violation, including, without limitation, a violation of the provisions of NRS 207.280.*

**Sec. 16.** Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If a person is required to report the commission of a violent or sexual offense against a child pursuant to section 13 of this act and the person fails to make such a report in accordance with that section, the child or a legal representative on behalf of the child may:*

(a) *Bring an action against the person who failed to make the report if the child has suffered substantial bodily harm or dies as the proximate result of the person's failure to make the report; and*

(b) *Recover in such an action:*

(1) *Actual damages that are the proximate result of the person's failure to make the report;*

(2) *Punitive damages; and*

(3) *Costs and reasonable attorney's fees.*

2. *The provisions of this section must be construed to create a legal duty and to establish a civil cause of action whether or not such a duty or cause of action is recognized under the common law.*

**Sec. 17.** Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

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

1. *Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has 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. 18.** NRS 432B.160 is hereby amended to read as follows:

7     432B.160 1. Immunity from civil or criminal liability extends to  
8 every person who in good faith:

9     (a) Makes a report pursuant to ~~the provisions of~~ NRS 432B.220;

10    (b) Conducts an interview or allows an interview to be taken pursuant to  
11 NRS 432B.270;

12    (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;

13    (d) Holds a child pursuant to NRS 432B.400 or places a child in  
14 protective custody;

15    (e) Refers a case or recommends the filing of a petition pursuant to  
16 NRS 432B.380; or

17    (f) Participates in a judicial proceeding resulting from a referral or  
18 recommendation.

19    2. In any proceeding to impose liability against a person for:

20    (a) Making a report pursuant to ~~subsection 2 of~~ NRS 432B.220; or

21    (b) Any of the acts set forth in paragraphs (b) to (f), inclusive, of  
22 subsection 1,

23 there is a presumption that the person acted in good faith.

24     **Sec. 19.** NRS 432B.220 is hereby amended to read as follows:

25     432B.220 1. ~~A report must be made~~ **Any person who is described**  
26 **in subsection 3 and who, in his professional or occupational capacity,**  
27 **knows or has reasonable cause to believe that a child has been abused or**  
28 **neglected shall:**

29     **(a) Except as otherwise provided in subsection 2, report the abuse or**  
30 **neglect of the child** to an agency which provides protective services or to a  
31 law enforcement agency ~~immediately, but in no event~~ ; and

32     **(b) Make such a report as soon as reasonably practicable but not** later  
33 **than 24 hours after** ~~there is reason~~ **the person knows or has reasonable**  
34 **cause** to believe that ~~a~~ **the** child has been abused or neglected.

35     **2. If** ~~the report of~~ **a person who is required to make a report**  
36 **pursuant to subsection 1 knows or has reasonable cause to believe that**  
37 **the** abuse or neglect of ~~a~~ **the** child involves ~~the acts or omissions~~ **an act**  
38 **or omission** of:

39     (a) A person directly responsible or serving as a volunteer for or an  
40 employee of a public or private home, institution or facility where the child  
41 is receiving child care outside of his home for a portion of the day, the  
42 **person shall make the** report ~~must be made~~ to a law enforcement agency.

(b) An agency which provides protective services or a law enforcement agency, the **person shall make the** report ~~{must be made to and the investigation made by}~~ **to** an agency other than the one alleged to have committed the ~~{acts or omissions}~~.

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

**3. 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 a child has been abused or neglected:}~~

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

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

(c) A coroner;

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

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

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

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

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

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

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

~~{3.}~~ **4.** A report may be made by any other person.

~~{4. Any}~~

**5. If a** person **who is** required to **make a** report ~~{under this section who}~~ **pursuant to subsection 1 knows or** has reasonable cause to believe

1 that a child has died as a result of abuse or neglect , *the person* shall , *as*  
2 *soon as reasonably practicable*, report this belief to the appropriate  
3 medical examiner or coroner, who shall investigate the report and submit  
4 to an agency which provides protective services his written findings . ~~It~~  
5 ~~which~~ *The written findings* must include , *if obtainable*, the information  
6 required ~~under~~ *pursuant to* the provisions of subsection 2 of NRS  
7 432B.230.

8 **Sec. 20.** NRS 432B.230 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

30 **Sec. 21.** NRS 432B.250 is hereby amended to read as follows:

31 432B.250 Any person *who is* required to *make a* report ~~under~~  
32 *pursuant to* NRS 432B.220 may not invoke any of the privileges ~~{granted~~  
33 ~~under}~~ *set forth in* chapter 49 of NRS:

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

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

38 3. In any proceeding held pursuant to NRS 432B.410 to 432B.590,  
39 inclusive.

40 **Sec. 22.** NRS 432B.290 is hereby amended to read as follows:

41 432B.290 1. Except as otherwise provided in subsection 2 or 5, data  
42 or information concerning reports and investigations thereof made

43 pursuant to this chapter may be made available only to:

- 1 (a) A physician ~~{who}~~, *if the physician* has before him a child who he  
2 ~~{reasonably believes may have}~~ *has reasonable cause to believe has* been  
3 abused or neglected;
- 4 (b) A person authorized to place a child in protective custody, if ~~{he}~~  
5 *the person* has before him a child who he ~~{reasonably believes may have}~~  
6 *has reasonable cause to believe has* been abused or neglected and ~~{he}~~ *the*  
7 *person* requires the information to determine whether to place the child in  
8 protective custody;
- 9 (c) An agency, including, without limitation, an agency in another  
10 jurisdiction, responsible for or authorized to undertake the care, treatment  
11 or supervision of:
  - 12 (1) The child; or
  - 13 (2) The person responsible for the welfare of the child;
- 14 (d) A district attorney or other law enforcement officer who requires the  
15 information in connection with an investigation or prosecution of abuse or  
16 neglect of a child;
- 17 (e) A court, for in camera inspection only, unless the court determines  
18 that public disclosure of the information is necessary for the determination  
19 of an issue before it;
- 20 (f) A person engaged in bona fide research or an audit, but information  
21 identifying the subjects of a report must not be made available to him;
- 22 (g) The guardian ad litem of the child;
- 23 (h) A grand jury upon its determination that access to these records is  
24 necessary in the conduct of its official business;
- 25 (i) An agency which provides protective services or which is authorized  
26 to receive, investigate and evaluate reports of abuse or neglect of a child;
- 27 (j) A person who or an organization that has entered into a written  
28 agreement with an agency which provides protective services to provide  
29 assessments or services and that has been trained to make such assessments  
30 or provide such services;
- 31 (k) A team organized for the protection of a child pursuant to NRS  
32 432B.350;
- 33 (l) A team organized pursuant to NRS 432B.405 to review the death of  
34 a child;
- 35 (m) A parent or legal guardian of the child, if the identity of the person  
36 responsible for reporting the alleged abuse or neglect of the child to a  
37 public agency is kept confidential;
- 38 (n) The person named in the report as allegedly being abused or  
39 neglected, if he is not a minor or otherwise legally incompetent;
- 40 (o) An agency that is authorized by law to license foster homes or  
41 facilities for children or to investigate persons applying for approval to  
42 adopt a child, if the agency has before it an application for that license or is  
43 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. 23.** 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. 24.** 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 15,  
19 inclusive, of this act before October 1, 1999.

20 **Sec. 25.** 1. This section and sections 1 to 22, inclusive, and 24 of  
21 this act become effective on October 1, 1999.

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

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