

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

Joint Sponsors: Senators James, Rawson, Coffin, O'Donnell, Titus, Amodei, Care, Carlton, Mathews, Neal, Porter, Schneider, Shaffer, Washington and Wiener

CHAPTER.....

AN ACT relating to public safety; requiring a person to report certain violent or sexual offenses against a child to a law enforcement agency under certain circumstances; providing a penalty; revising the provisions governing reports of the abuse or neglect of a child and 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:

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

For the purposes of NRS 200.5091 to 200.50995, inclusive, 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.

2. Acts “as soon as reasonably practicable” 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 act within approximately the same period under those facts and circumstances.

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

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

1. “Abuse” means willful and unjustified:

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

2. “Exploitation” means any act taken by a person who has the trust and confidence of an older person or any use of the power of attorney or guardianship of an older person to obtain control, through deception, intimidation or undue influence, over the older person’s money, assets or

property with the intention of permanently depriving the older person of the ownership, use, benefit or possession of his money, assets or property. As used in this subsection, "undue influence" does not include the normal influence that one member of a family has over another.

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

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

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

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

4. "Neglect" means the failure of:

(a) A person who has assumed legal responsibility or a contractual 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 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 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 practical nurse, physician's assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this state, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

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

(c) A coroner.

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

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

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

(g) Any employee of the department of human resources

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

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

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

(k) Every social worker.

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

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

~~[4.—A]~~

6. ***If a person who is required to make a report pursuant to ~~[this section]~~ ~~who]~~ subsection 1 knows or*** has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, ***the person shall, as soon as reasonably practicable,*** report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney and the aging services division of the department of human resources his written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

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

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

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

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

200.5094 1. ~~[The report required]~~ ***A person may make a report*** pursuant to NRS 200.5093 ~~[may be made orally,]~~ by telephone or ~~[otherwise. The]~~, ***in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, by any other means of oral, written or electronic communication that a reasonable person would believe, under those facts and circumstances, is a reliable and swift means of communicating information to the person who receives the report. If the report is made***

orally, the person who receives the report must reduce it to writing as soon as ~~possible.~~ **reasonably practicable.**

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

- (a) The name and address of the older person;
- (b) The name and address of the person responsible for his care, if there is one;
- (c) The name and address, if available, of the person who is alleged to have abused, neglected, exploited or isolated the older person;
- (d) The nature and extent of the abuse, neglect, exploitation or isolation of the older person;
- (e) Any evidence of previous injuries; and
- (f) The basis of the reporter's belief that the older person has been abused, neglected, exploited or isolated.

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

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

2. Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the aging services division or the county's office for protective services shall obtain the consent of the older person before inspecting those records. If the aging services division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his consent. Except as otherwise provided in this subsection, if a guardian has been appointed for the older person, the aging services division or the county's office for protective services shall obtain the consent of the guardian before inspecting those records. If the aging services division or the county's office for protective services has ~~reason~~ **reasonable cause** to believe that the guardian is abusing, neglecting, exploiting or isolating the older person, the inspection may be conducted without the consent of the guardian, except that if the records to be inspected are in the personal possession of the guardian, the inspection must be approved by a court of competent jurisdiction.

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

200.50986 The local office of the aging services division or the county's office for protective services may petition a court in accordance with NRS 159.185 or 159.1905 for the removal of the guardian of an older person, or the termination or modification of that guardianship, if, based on its investigation, the aging services division or the county's office of protective services has ~~reason~~ **reasonable cause** to believe that the guardian is abusing, neglecting, exploiting or isolating the older person in

violation of NRS 200.5095 to 200.50995, inclusive ~~H~~, and section 1 of this act.

Sec. 7. Chapter 202 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 to 16, inclusive, of this act.

Sec. 8. *As used in sections 8 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 9 and 10 of this act have the meanings ascribed to them in those sections.*

Sec. 9. “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. 10. “Violent or sexual offense” means any act that, if prosecuted in this state, would constitute any of the following offenses:

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 to another person with the intent to enable or assist the commission of 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.*

18. Coercion pursuant to NRS 207.190, if the coercion 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.

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

Sec. 11. For the purposes of sections 8 to 16, inclusive, of this act, 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.

2. Acts “as soon as reasonably practicable” 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 act within approximately the same period under those facts and circumstances.

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

Sec. 12. 1. Except as otherwise provided in sections 13 and 14 of this act, a person who knows or has reasonable cause to believe that another person has committed a violent or sexual offense against a child who is 12 years of age or younger shall:

(a) Report the commission of the violent or sexual offense against the child to a law enforcement agency; 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 other person has committed the violent or sexual offense against the child.

2. A person who knowingly and willfully violates the provisions of subsection 1 is guilty of a misdemeanor.

3. A report made pursuant to this section must include, without limitation:

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

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

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

Sec. 13. 1. A person may not be prosecuted or convicted pursuant to section 12 of this act unless a court in this state or any other

jurisdiction has entered a judgment of conviction against a culpable actor for:

- (a) The violent or sexual offense against the child; or
- (b) Any other offense arising out of the same facts as the violent or sexual offense against the child.

2. For any violation of section 12 of this act, an indictment must be found or an information or complaint must be filed within 1 year after the date on which:

(a) A court in this state or any other jurisdiction has entered a judgment of conviction against a culpable actor as provided in subsection 1; or

(b) The violation is discovered,
whichever occurs later.

3. For the purposes of this section:

(a) A court in "any other jurisdiction" includes, without limitation, a tribal court or a court of the United States or the Armed Forces of the United States.

(b) "Convicted" and "conviction" mean a judgment based upon:

- (1) A plea of guilty, guilty but mentally ill or nolo contendere;
- (2) A finding of guilt by a jury or a court sitting without a jury;
- (3) An adjudication of delinquency or finding of guilt by a court having jurisdiction over juveniles; or
- (4) Any other admission or finding of guilt in a criminal action or a proceeding in a court having jurisdiction over juveniles.

(c) A court "enters" a judgment of conviction against a person on the date on which guilt is admitted, adjudicated or found, whether or not:

(1) The court has imposed a sentence, a penalty or other sanction for the conviction; or

(2) The person has exercised any right to appeal the conviction.

(d) "Culpable actor" means a person who:

- (1) Causes or perpetrates an unlawful act;
- (2) Aids, abets, commands, counsels, encourages, hires, induces, procures or solicits another person to cause or perpetrate an unlawful act; or
- (3) Is a principal in any degree, accessory before or after the fact, accomplice or conspirator to an unlawful act.

Sec. 14. The provisions of section 12 of this act do not apply to a person who:

- 1. Is less than 16 years of age;
- 2. Is, by blood or marriage, the spouse, brother, sister, parent, grandparent, child or grandchild of:
 - (a) The child who is the victim of the violent or sexual offense; or
 - (b) The person who committed the violent or sexual offense against the child;
- 3. Suffers from a mental or physical impairment or disability that, in light of all the surrounding facts and circumstances, would make it

impracticable for the person to report the commission of the violent or sexual offense against the child to a law enforcement agency;

4. Knows or has reasonable cause to believe that reporting the violent or sexual offense against the child to a law enforcement agency would place the person or any other person who is related to him by blood or marriage or who resides in the same household as him, whether or not the other person is related to him by blood or marriage, in imminent danger of suffering substantial bodily harm;

5. Became aware of the violent or sexual offense against the child through a communication or proceeding that is protected by a privilege set forth in chapter 49 of NRS; or

6. Is acting in his professional or occupational capacity and is required to report the abuse or neglect of a child pursuant to NRS 432B.220.

Sec. 15. *1. If a person who is required to make a report pursuant to section 12 of this act makes such a report in good faith and in accordance with that section, 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, accessory or conspirator to the violent or sexual offense against the child, regardless of the nature of the other act or omission.*

2. If a person is not required to make a report pursuant to section 12 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, accessory or conspirator 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 12 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. *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 12 of this act, and the violent or sexual offense against the child would constitute abuse or neglect of a child, as defined in NRS 432B.020, the report made by the person shall be deemed to be a report of the abuse or neglect of the child that has been made pursuant to NRS 432B.220 and:*

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

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

Sec. 17. NRS 171.090 is hereby amended to read as follows:

171.090 Except as *otherwise* provided in NRS 171.095 ~~and~~ *and section 13 of this act*, an indictment for:

1. A gross misdemeanor must be found, or an information or complaint filed, within 2 years after the commission of the offense.

2. Any other misdemeanor must be found, or an information or complaint filed, within 1 year after ~~its commission.~~ *the commission of the offense.*

Sec. 18. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085 and 171.090 after the discovery of the offense, unless a longer period is allowed by paragraph (b) ~~or~~ *or the provisions of section 13 of this act.*

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child, as defined in NRS 432B.100, before the victim of the sexual abuse is:

(1) Twenty-one years old if he discovers or reasonably should have discovered that he was a victim of the sexual abuse by the date on which he reaches that age; or

(2) Twenty-eight years old if he does not discover and reasonably should not have discovered that he was a victim of the sexual abuse by the date on which he reaches 21 years of age.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 19. 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.

2. Acts "as soon as reasonably practicable" 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 act within approximately the same period under those facts and circumstances.

Sec. 20. NRS 432B.160 is hereby amended to read as follows:

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

- (a) Makes a report pursuant to ~~[the provisions of]~~ NRS 432B.220;
- (b) Conducts an interview or allows an interview to be taken pursuant to NRS 432B.270;
- (c) Allows or takes photographs or X-rays pursuant to NRS 432B.270;
- (d) Causes a medical test to be performed pursuant to NRS 432B.270;
- (e) Provides a record, or a copy thereof, of a medical test performed pursuant to NRS 432B.270 to an agency that provides protective services to the child, a law enforcement agency that participated in the investigation of the report of abuse or neglect of the child or the prosecuting attorney's office;
- (f) Holds a child pursuant to NRS 432B.400 or places a child in protective custody;
- (g) Refers a case or recommends the filing of a petition pursuant to NRS 432B.380; or
- (h) Participates in a judicial proceeding resulting from a referral or recommendation.

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

- (a) Making a report pursuant to ~~[subsection 2 of]~~ NRS 432B.220; or
- (b) Any of the acts set forth in paragraphs (b) to (h), inclusive, of subsection 1,

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

Sec. 21. NRS 432B.220 is hereby amended to read as follows:

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

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

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

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

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of his home for a portion of the day, the *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 that a child has died as a result of abuse or neglect , **the person shall , as soon as reasonably practicable,** report this belief to the appropriate medical examiner or coroner, who shall investigate the report and submit to

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

Sec. 22. NRS 432B.230 is hereby amended to read as follows:

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

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

- (a) The name, address, age and sex of the child;
- (b) The name and address of the child's parents or other person
responsible for his care;
- (c) The nature and extent of the abuse or neglect of the child;
- (d) Any evidence of previously known or suspected abuse or neglect of
the child or the child's siblings;
- (e) The name, address and relationship, if known, of the person who is
alleged to have abused or neglected the child; and
- (f) Any other information known to the person making the report that
the agency which provides protective services considers necessary.

Sec. 23. NRS 432B.250 is hereby amended to read as follows:

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

1. For his failure to *make a* report ~~{as required under}~~ *pursuant to*
NRS 432B.220;
2. In cooperating with an agency which provides protective services or
a guardian ad litem for a child; or
3. In any proceeding held pursuant to NRS 432B.410 to 432B.590,
inclusive.

Sec. 24. NRS 432B.290 is hereby amended to read as follows:

432B.290 1. Except as otherwise provided in subsection 2 or 5, 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;

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

(g) The guardian ad litem of the child;

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

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

(j) A person who or an organization that has entered into a written agreement with an agency which provides protective services to provide assessments or services and that has been trained to make such assessments or provide such services;

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

(l) A team organized pursuant to NRS 432B.405 to review the death of a child;

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

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

(o) An agency that is authorized by law to license foster homes or facilities for children or to investigate persons applying for approval to adopt a child, if the agency has before it an application for that license or is 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. 25. 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;

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

(g) The guardian ad litem of the child;

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

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

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

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

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

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

(n) 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; or

(o) 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.

2. 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.

3. 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, to information identifying the subjects of a report **and** who makes this information public is guilty of a misdemeanor.

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

Sec. 26. The amendatory provisions of this act do not apply to a person who violates NRS 200.5093 or 432B.220 or section 12 of this act before October 1, 1999.

Sec. 27. 1. This section and sections 1 to 24, inclusive, and 26 of this act become effective on October 1, 1999.

2. Section 24 of this act expires by limitation on June 30, 2001.

3. Section 25 of this act becomes effective on July 1, 2001.

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