

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

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

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 ~~[omitted material]~~ is material to be omitted.

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:

- 1 **Section 1.** Chapter 200 of NRS is hereby amended by adding thereto a
- 2 new section to read as follows:
- 3 ***For the purposes of NRS 200.5091 to 200.50995, inclusive, a person:***
- 4 ***1. Has “reasonable cause to believe” if, in light of all the***
- 5 ***surrounding facts and circumstances which are known or which***

1 *reasonably should be known to the person at the time, a reasonable*
2 *person would believe, under those facts and circumstances, that an act,*
3 *transaction, event, situation or condition exists, is occurring or has*
4 *occurred.*

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

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

11 200.5092 As used in NRS 200.5091 to 200.50995, inclusive, *and*
12 *section 1 of this act*, unless the context otherwise requires:

13 1. “Abuse” means willful and unjustified:

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

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

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

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

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

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

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

39 4. “Neglect” means the failure of:

40 (a) A person who has assumed legal responsibility or a contractual
41 obligation for caring for an older person or who has voluntarily assumed
42 responsibility for his care to provide food, shelter, clothing or services

1 which are necessary to maintain the physical or mental health of the older
2 person; or

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

5 5. "Older person" means a person who is 60 years of age or older.

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

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

11 200.5093 1. ~~[A person required to make a report pursuant to this~~
12 ~~section shall make the report immediately, but in no event later than 24~~
13 ~~hours after there is reason to believe that an older person has been abused,~~
14 ~~neglected, exploited or isolated. The report must be made to:~~

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

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

21 *(1) The local office of the aging services division of the department of*
22 *human resources;*

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

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

26 ~~[(d)]~~ *(4) A toll-free telephone service designated by the aging services*
27 *division of the department of human resources* ~~[-~~
28 ~~If the report of]~~ *; and*

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

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

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

41 ~~[2.—Reports]~~

42 *4. A report* must be made *pursuant to subsection 1* by the following
43 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.

(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~~ *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

1 agencies, the appropriate prosecuting attorney and the aging services
2 division of the department of human resources his written findings. The
3 written findings must include the information required pursuant to the
4 provisions of NRS 200.5094, when possible.

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

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

17 ~~{7.}~~ 9. A person who knowingly and willfully violates any of the
18 provisions of this section is guilty of a misdemeanor.

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

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

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

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

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

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

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

38 (e) Any evidence of previous injuries; and

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

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

42 200.50984 1. Notwithstanding any other statute to the contrary, the
43 local office of the aging services division of the department of human

1 resources and a county's office for protective services, if one exists in the
2 county where a violation is alleged to have occurred, may for the purpose
3 of investigating an alleged violation of NRS 200.5091 to 200.50995,
4 inclusive, *and section 1 of this act* inspect all records pertaining to the
5 older person on whose behalf the investigation is being conducted,
6 including, but not limited to, that person's medical and financial records.

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

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

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

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

35 **Sec. 8.** *As used in sections 8 to 16, inclusive, of this act, unless the*
36 *context otherwise requires, the words and terms defined in sections 9 and*
37 *10 of this act have the meanings ascribed to them in those sections.*

38 **Sec. 9.** *"Law enforcement agency" means:*

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

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

4 **Sec. 10.** "Violent or sexual offense" means any act that, if
5 prosecuted in this state, would constitute any of the following offenses:

6 1. Murder or voluntary manslaughter pursuant to NRS 200.010 to
7 200.260, inclusive.

8 2. Mayhem pursuant to NRS 200.280.

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

10 4. Sexual assault pursuant to NRS 200.366.

11 5. Robbery pursuant to NRS 200.380.

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

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

15 8. Administering a drug or controlled substance to another person
16 with the intent to enable or assist the commission of a felony or crime of
17 violence pursuant to NRS 200.405 or 200.408.

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

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

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

25 12. An offense involving pornography and a minor pursuant to NRS
26 200.710 or 200.720.

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

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

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

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

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

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

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

40 **Sec. 11.** For the purposes of sections 8 to 16, inclusive, of this act, a
41 person:

42 1. Has "reasonable cause to believe" if, in light of all the
43 surrounding facts and circumstances which are known or which

1 *reasonably should be known to the person at the time, a reasonable*
2 *person would believe, under those facts and circumstances, that an act,*
3 *transaction, event, situation or condition exists, is occurring or has*
4 *occurred.*

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

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

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

20 *(a) Report the commission of the violent or sexual offense against the*
21 *child to a law enforcement agency; and*

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

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

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

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

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

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

36 **Sec. 13. 1.** *A person may not be prosecuted or convicted pursuant*
37 *to section 12 of this act unless a court in this state or any other*
38 *jurisdiction has entered a judgment of conviction against a culpable*
39 *actor for:*

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

41 *(b) Any other offense arising out of the same facts as the violent or*
42 *sexual offense against the child.*

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

4 (a) A court in this state or any other jurisdiction has entered a
5 judgment of conviction against a culpable actor as provided in subsection
6 1; or

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

9 3. For the purposes of this section:

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

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

14 (1) A plea of guilty, guilty but mentally ill or nolo contendere;

15 (2) A finding of guilt by a jury or a court sitting without a jury;

16 (3) An adjudication of delinquency or finding of guilt by a court
17 having jurisdiction over juveniles; or

18 (4) Any other admission or finding of guilt in a criminal action or a
19 proceeding in a court having jurisdiction over juveniles.

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

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

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

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

26 (1) Causes or perpetrates an unlawful act;

27 (2) Aids, abets, commands, counsels, encourages, hires, induces,
28 procures or solicits another person to cause or perpetrate an unlawful
29 act; or

30 (3) Is a principal in any degree, accessory before or after the fact,
31 accomplice or conspirator to an unlawful act.

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

34 1. Is less than 16 years of age;

35 2. Is, by blood or marriage, the spouse, brother, sister, parent,
36 grandparent, child or grandchild of:

37 (a) The child who is the victim of the violent or sexual offense; or

38 (b) The person who committed the violent or sexual offense against
39 the child;

40 3. Suffers from a mental or physical impairment or disability that, in
41 light of all the surrounding facts and circumstances, would make it
42 impracticable for the person to report the commission of the violent or
43 sexual offense against the child to a law enforcement agency;

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

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

10 6. Is acting in his professional or occupational capacity and is
11 required to report the abuse or neglect of a child pursuant to NRS
12 432B.220.

13 **Sec. 15.** 1. If a person who is required to make a report pursuant
14 to section 12 of this act makes such a report in good faith and in
15 accordance with that section, the person is immune from civil or criminal
16 liability for any act or omission related to that report, but the person is
17 not immune from civil or criminal liability for any other act or omission
18 committed by the person as part of, in connection with or as a principal,
19 accessory or conspirator to the violent or sexual offense against the child,
20 regardless of the nature of the other act or omission.

21 2. If a person is not required to make a report pursuant to section 12
22 of this act and the person makes such a report to a law enforcement
23 agency in good faith, the person is immune from civil or criminal
24 liability for any act or omission related to that report, but the person is
25 not immune from civil or criminal liability for any other act or omission
26 committed by the person as part of, in connection with or as a principal,
27 accessory or conspirator to the violent or sexual offense against the child,
28 regardless of the nature of the other act or omission.

29 3. For the purposes of this section, if a person reports to a law
30 enforcement agency that another person has committed a violent or
31 sexual offense against a child, whether or not the person is required to
32 make such a report pursuant to section 12 of this act, the person is
33 presumed to have made the report in good faith unless the person is
34 being prosecuted for a criminal violation, including, without limitation, a
35 violation of the provisions of NRS 207.280.

36 **Sec. 16.** If a person reports to a law enforcement agency that
37 another person has committed a violent or sexual offense against a child,
38 whether or not the person is required to make such a report pursuant to
39 section 12 of this act, and the violent or sexual offense against the child
40 would constitute abuse or neglect of a child, as defined in NRS 432B.020,
41 the report made by the person shall be deemed to be a report of the abuse
42 or neglect of the child that has been made pursuant to NRS 432B.220
43 and:

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

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

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

6 171.090 Except as *otherwise* provided in NRS 171.095 ~~and~~ *and section*
7 *13 of this act*, an indictment for:

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

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

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

14 171.095 1. Except as otherwise provided in subsection 2 and NRS
15 171.083:

16 (a) If a felony, gross misdemeanor or misdemeanor is committed in a
17 secret manner, an indictment for the offense must be found, or an
18 information or complaint filed, within the periods of limitation prescribed
19 in NRS 171.085 and 171.090 after the discovery of the offense, unless a
20 longer period is allowed by paragraph (b) ~~or the provisions of section~~
21 *13 of this act.*

22 (b) An indictment must be found, or an information or complaint filed,
23 for any offense constituting sexual abuse of a child, as defined in NRS
24 432B.100, before the victim of the sexual abuse is:

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

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

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

35 **Sec. 19.** Chapter 432B of NRS is hereby amended by adding thereto a
36 new section to read as follows:

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

38 *1. Has "reasonable cause to believe" if, in light of all the*
39 *surrounding facts and circumstances which are known or which*
40 *reasonably should be known to the person at the time, a reasonable*
41 *person would believe, under those facts and circumstances, that an act,*
42 *transaction, event, situation or condition exists, is occurring or has*
43 *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. 20.** 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) Causes a medical test to be performed pursuant to NRS 432B.270;

14 (e) Provides a record, or a copy thereof, of a medical test performed
15 pursuant to NRS 432B.270 to an agency that provides protective services to
16 the child, a law enforcement agency that participated in the investigation of
17 the report of abuse or neglect of the child or the prosecuting attorney’s
18 office;

19 (f) Holds a child pursuant to NRS 432B.400 or places a child in
20 protective custody;

21 (g) Refers a case or recommends the filing of a petition pursuant to NRS
22 432B.380; or

23 (h) Participates in a judicial proceeding resulting from a referral or
24 recommendation.

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

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

27 (b) Any of the acts set forth in paragraphs (b) to (h), inclusive, of
28 subsection 1,

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

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

31 432B.220 1. ~~{A report must be made}~~ **Any person who is described**
32 **in subsection 3 and who, in his professional or occupational capacity,**
33 **knows or has reasonable cause to believe that a child has been abused or**
34 **neglected shall:**

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

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

41 **2. If ~~{the report of}~~ a person who is required to make a report**
42 **pursuant to subsection 1 knows or has reasonable cause to believe that**

1 *the* abuse or neglect of ~~[a]~~ *the* child involves ~~[the acts or omissions]~~ *an act*
2 *or omission* of:

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

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

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

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

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

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

28 (c) A coroner;

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

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

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

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

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

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

42 (j) Any person who maintains, is employed by or serves as a volunteer
43 for an agency or service which advises persons regarding abuse or neglect

1 of a child and refers them to persons and agencies where their requests and
2 needs can be met.

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

4 ~~{4. Any}~~

5 5. If a person *who is* required to *make a* report ~~{under this section~~
6 ~~who}~~ *pursuant to subsection 1 knows or* has reasonable cause to believe
7 that a child has died as a result of abuse or neglect, *the person* shall, *as*
8 *soon as reasonably practicable*, report this belief to the appropriate
9 medical examiner or coroner, who shall investigate the report and submit to
10 an agency which provides protective services his written findings. ~~;~~
11 ~~which}~~ *The written findings* must include, *if obtainable*, the information
12 required ~~{under}~~ *pursuant to* the provisions of subsection 2 of NRS
13 432B.230.

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

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

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

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

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

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

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

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

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

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

37 432B.250 Any person *who is* required to *make a* report ~~{under}~~
38 *pursuant to* NRS 432B.220 may not invoke any of the privileges ~~{granted~~
39 ~~under}~~ *set forth in* chapter 49 of NRS:

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

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

4 432B.290 1. Except as otherwise provided in subsection 2 or 5, data
5 or information concerning reports and investigations thereof made pursuant
6 to this chapter may be made available only to:

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

18 (1) The child; or

(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;

(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;

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

(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;

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

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

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

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

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

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

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

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

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

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

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

30 (b) Whether an investigation has been initiated pursuant to NRS
31 432B.260, and the result of a completed investigation; and

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

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

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

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

4 (a) A copy of:

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

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

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

15 6. Any person, except for:

16 (a) The subject of a report;

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

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

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

27 **Sec. 25.** NRS 432B.290 is hereby amended to read as follows:

28 432B.290 1. Except as otherwise provided in subsection 2, data or
29 information concerning reports and investigations thereof made pursuant to
30 this chapter may be made available only to:

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

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

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

42 (1) The child; or

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

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

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

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

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

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

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

14 (j) A team organized for the protection of a child pursuant to NRS
15 432B.350;

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

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

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

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

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

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

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

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

40 (a) A copy of:

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

or

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

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

8 3. Any person, except for:

9 (a) The subject of a report;

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

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

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

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

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

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

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